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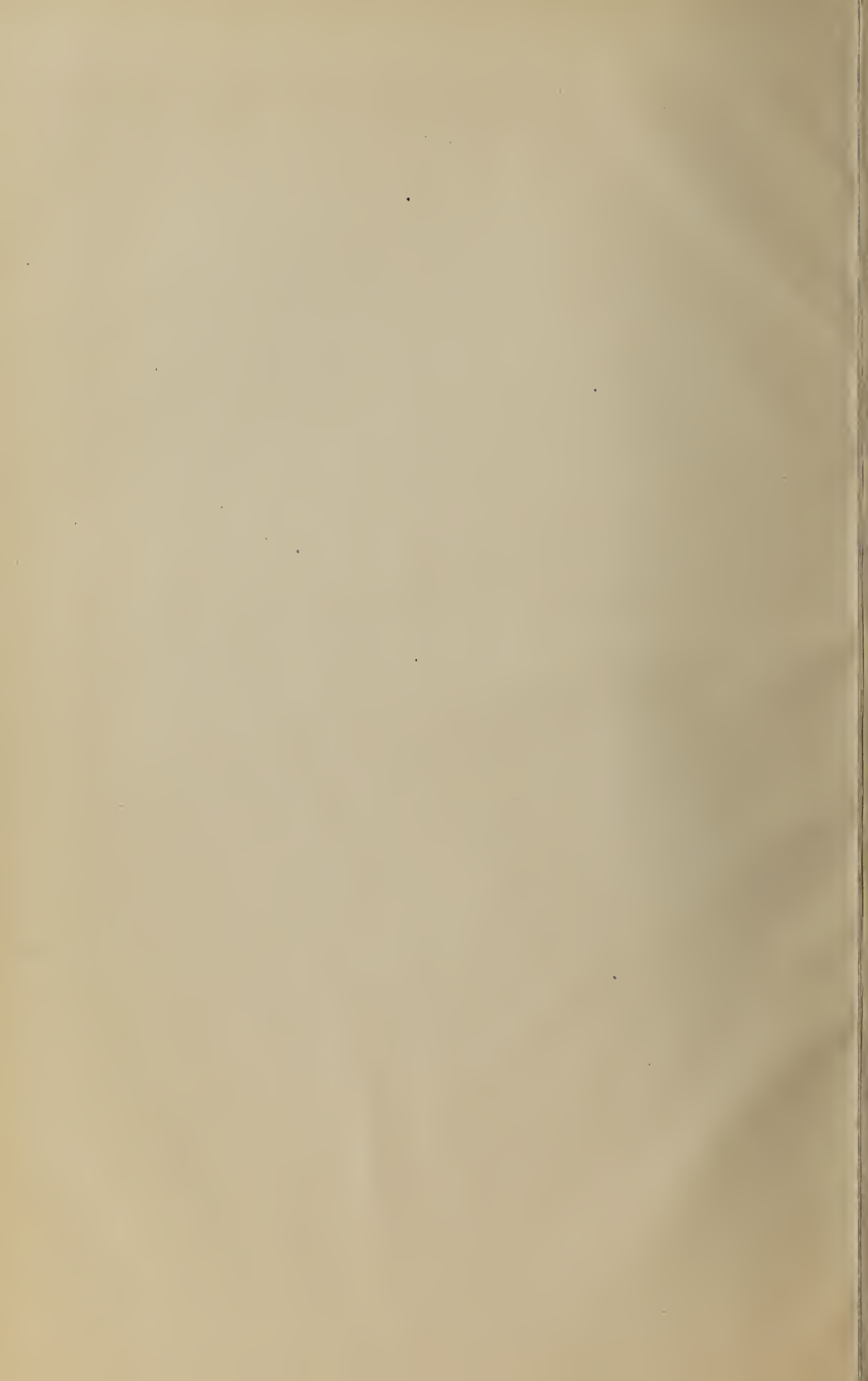


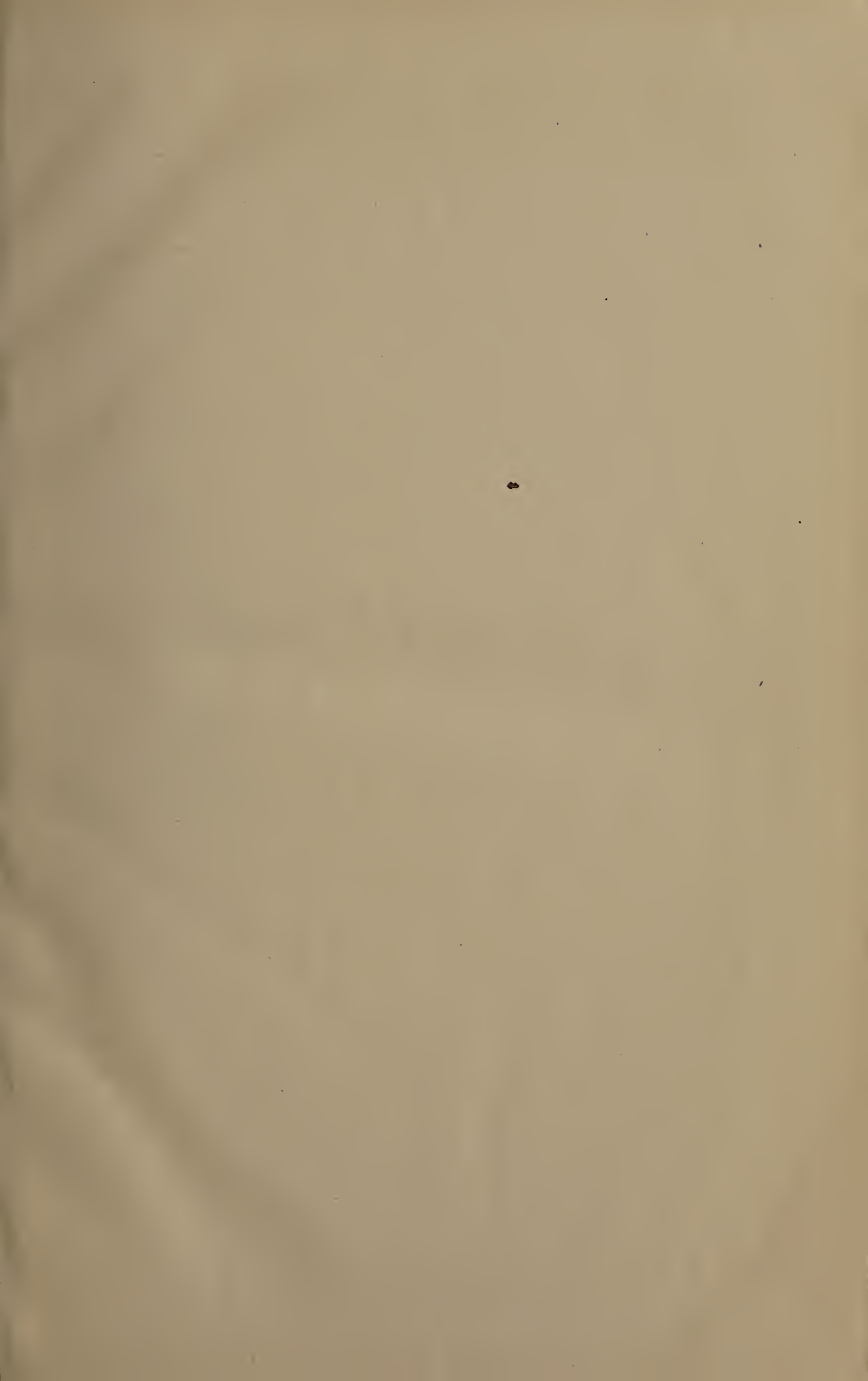
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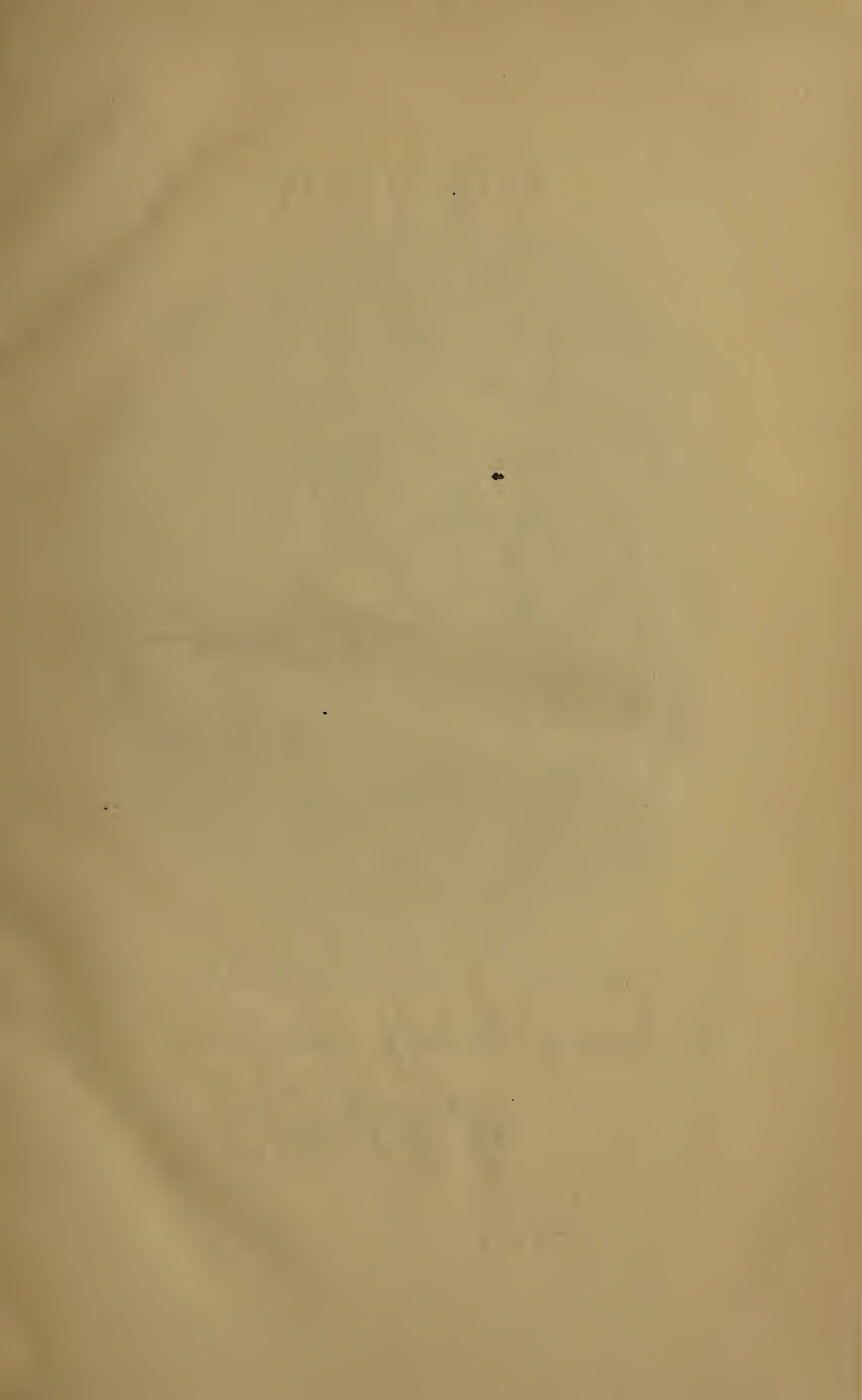
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HISTORY
OF
NORTH CAROLINA

BY

SAMUEL A'COURT ASHE, LL.D.

IN TWO VOLUMES

VOLUME II
FROM 1783 TO 1925

The necessitie of a Historie is, as of a Sworne Witness,
to say the truth (in just discretion) and nothing but
the truth!—*Samuel Purchas, in "Purchas His
Pilgrimes," 1625.*

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DEDICATION

I dedicate this volume to the memory of my departed friends, Henry Groves Connor and James Sprunt, both deservedly esteemed as being preëminent among the first citizens of the State, and both, besides their remarkable success in their chosen life work, also distinguished as authors. To them, in one way or another, the possibility of the preparation of this volume is due, and if the work shall be deemed of value to the State, to them thanks should be given.

I inscribe their names here in grateful remembrance of their unfailing friendship and constant interest in the accomplishment of my undertaking.

S. A. ASHE.

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INTRODUCTION

At the period this volume of the history of North Carolina opens the State was under the government established by the Constitution adopted in 1776, with perfect autonomy, but was in association with the other states forming the Confederacy. The struggle for independence had closed and, in the treaty of peace signed in September 1783, Great Britain formally acknowledged North Carolina and each of her sister states separately and particularly to be "free, sovereign and independent states."

Alexander Martin was Governor; Ashe, Spencer and Williams were the Judges; Hawkins, Nash, Williamson and Spaight were the delegates to the Continental Congress.

HISTORY OF NORTH CAROLINA

THE DEVELOPED STATE 1783-1924

CHAPTER I

SOCIAL CONDITIONS IN 1783

Social conditions in 1783.—The general condition of the commonwealth.—No transportation facilities.—The animosity against the Tories.—The absence of currency.—No facilities for disseminating information.—The County Courts.—Their social features.—Their educational value.—Courts of Equity established.—The low state of religion.—Asbury's estimate of the people.—Patillo's view.—No religious intolerance.—The Church of England becomes the Protestant Episcopal Church.—The Baptists and Presbyterians.—The Methodists.—Conditions promotive of illiteracy.—No public schools.—But few private schools.—No printing press.—Social culture.—The Masonic Order.—The tone democratic.—The dissolution of the Cincinnati.—Keith sets up a print shop and book store.—The pamphleteers.—Death of Burke.—The negroes.—The master's right in his slaves.—Few great estates.—The negroes attend church.—The slave trade held injurious.—Free negroes as Continental soldiers.—They gain the right of suffrage.—Some become slave-owners—Some effects of the war.

Social conditions in North Carolina in the year 1783, the year of peace and independence, were Arcadian in their simplicity. The commonwealth, extending far into the wilderness, numbered some 350,000 souls, slaves and free, widely scattered, nearly one-tenth beyond the distant mountains; with no city—and indeed only a few villages whose population reached a thousand; as yet commerce, so long interrupted, had not revived; there were no manufactures save the work of the men and women in their homes; but depreciated currency; poor markets and only bad highways; no

newspapers, and not a single printing press; but few schools, and religious instruction but scantily supplied—in a word, with nought but freedom and farm products, manhood and energy.

Nor were the people entirely united in the bonds of amity and friendship. Probably a full third of the white population had not espoused the cause of separation and independence. Early in the struggle a considerable number, unwilling to take the test oath, had under the stringent laws of the State, been forced from their homes and had sought shelter abroad. Later, when Hamilton, a Scotch merchant, and MacLeod, a Scotch minister, arranged for the formation of a loyal regiment, many repaired to the King's standard. From time to time others joined this regiment; but between the suppression of the Royalists at Moore's Creek, followed quickly by the defeat of the British fleet at Charleston, and the appearance of Fanning on the upper Cape Fear in 1780, there was a period of comparative repose, during which the disaffected adjusted themselves to the prevailing conditions. The Assembly, session after session, postponed putting into full operation the confiscation acts, and, practicing tolerance and conciliation, allowed the Tories to remain unmolested, classing them, along with the Quakers, as "non-jurors," but imposing special taxes on them.

The bridge between a "non-juror" and a "good and true citizen" was opened and made easy to cross; and along with Rev. George Micklejohn, James Hunter, Dr. Pyle and many other conspicuous Tories who soon took the test oath, men of smaller consequence resumed association and fellowship with their Whig neighbors. But the harrowing events of 1781, when the malcontents under McNeil and Fanning established a reign of terror in the Cape Fear region, put an end to toleration. The inhumanities and butcheries of the closing years of the long struggle left an indelible mark on the social conditions of the State. Fierce resentment and implacable hatred took possession of the contending factions; and when

History
N. C.,
I, 279

Non-
jurors

the British Army withdrew many of the Tories departed, some going to Florida and some to Nova Scotia, where the negroes carried off by the British also were located, while others sought new homes in the distant west, even crossing the mountains and establishing themselves in the outskirts of the western settlements. It was in that period of rancorous animosity that the former policy of conciliation was abandoned and measures were taken to enforce the confiscation laws; and thus when blessed peace came there were mingled with the peans of victory loud execrations of the hated Tories.

1783

Antagonisms

The waste of the war had not yet been overcome. Especially in the Cape Fear counties had the destruction been great; and so many families there were in dire need that by a general law they were to be exempt from the payment of taxes in the discretion of the county justices. Elsewhere the inhabitants were suffering because of the absence of markets and of facilities to dispose of the products of their industry, but the people were measurably inured to their situation and had been so long accustomed to their privations that they scarcely realized the hardships. They had known nothing better.

Life offered no field for activity but on the farm and in the forests; and clearing new land and making forest products were the only openings for energy and enterprise.

During the war, to supply the necessities of the people as well as the needs of the army, bounties had been freely offered to stimulate manufactures, but when the occasion had passed the bounties ceased. Yet the looms were still busy, skins were tanned, and furs secured from otters and beavers, and shoemakers and hatters plied their trades.

Industries

At that period factories had not been erected anywhere in America; there were no power looms, and only the spinning jenny and hand weaving were in use, and nails were still made by hand. But so industrious were the people in their

1783

homes that many districts not only clothed themselves, but had a surplus of cotton, linen, and woolen cloths for sale.

In the tidewater regions where naval stores abounded, men found profitable employment in making tar, pitch, and turpentine, of which the mercantile world stood in great need, while lumber and staves were always in demand for the West Indies. In colonial days trade with the British Islands in the Caribbean sea had brought in a liberal supply of specie; but when the State separated herself from the British empire the restrictive navigation laws obstructed that commerce. Yet England soon fostered shipments to her own ports, and the London merchants hastened to send their goods to markets that were bare of foreign manufactures.

The great forests of the State, so rich in products, were virtually unbroken. While near the coast and in the Albemarle regions there were some large plantations, in the interior the holdings were smaller, and the clearings were only such as were needed for cultivation. Generally every man owned his land, and, as there was no labor for hire, tilled his own fields. Back from the markets where there was a surplus of corn and grain, hogs and cattle were raised and driven on foot for sale. Also in some communities grain was converted into whiskey, and the fruits of the orchard into brandy.

Agriculture

Agriculture, the chief occupation of the inhabitants, had long received intelligent application, and despite adverse conditions presented examples of thrift and skill. At the east rice and indigo were grown, as well as flax and cotton; while along the water-courses, lumber and staves and naval stores were produced. In the upper country where the soil and climate were suitable tobacco and the cereals were cultivated, and clover was not unknown. Mr. Hooper, a lawyer rather than a farmer, wrote to his merchant at Edenton, "Send me a barrel of clover seed."

But transportation facilities were sadly lacking; and back from the rivers the want of good roads was a serious draw-

back. Public highways had been laid out connecting the back country with the several market towns of the east, but they could not be maintained in good condition, and the northwestern counties found it more convenient to trade with Virginia towns, and southwestern with Charleston. The exports were tobacco, tar, pitch, turpentine, potash, staves, lumber, rice, and provisions, all of these except tobacco alone being the products of the east. Indeed transportation to market involved such an expense as to largely deprive the products of the distant interior of their value.

1783

Exports

Necessarily all sales of products were made to merchants, who established themselves at convenient points in the interior, and setting their own prices, made great gains by their bargains.

Of money there was none; the State as well as the Continental currency had ceased to have value, and to express utter worthlessness the phrase was coined—"not worth a continental." Money is not only of value in itself, but it is the standard by which the value of other things is measured and the chief instrument of commerce by which exchanges are made, and the very foundation stone of credit. When the State and Continental paper fell, there was virtually no specie in circulation. Neither gold nor silver had been found in any of the colonies, and the entire country was dependent on such foreign coin as could be obtained for commodities, and there were but few commodities to send abroad. The people were indeed without a currency. In the extremity recourse was again had to an issue of State bills. At the April meeting of the Assembly a proposition to emit new bills, matured by William Blount, met with general concurrence. To give the issue a footing of substantial value a special tax was levied to redeem it, and its redemption was further secured by a pledge of all the confiscated property of the Tories held by the State. The currency of the Revolution had been dollars to distinguish it from colonial issues; and now to emphasize that the new

C. R., XXIV.
475The
currency

1783

issue was on a distinct footing, it was in pounds and shillings, the pound being of the value of two and a half silver dollars. The shilling was the same as the Spanish "bit," later twelve and a half cents. The amount was conservatively limited to a hundred thousand pounds.

No interior
mails

There were no buggies, but few coaches, and traveling was on horseback, men riding their own horses hundreds of miles, and the women seldom visiting out of their neighborhood. The Assembly had established no mail facilities, but the post route opened at the beginning of the Revolution, along the coast, passing through Edenton and New Bern and Wilmington, had been continued by Congress and was still in operation, but there were no post ridings to the interior. Letters were sent by hand. Without means of communication, the dissemination of intelligence among the people was slow and unreliable. Information about current affairs was acquired by conversations at casual meetings, at religious gatherings and the sessions of the county courts. Indeed, these quarterly courts had no inconsiderable educational value. More than any other instrumentality they kept the people in touch with civilization. In every district of each county there were two or more justices of the peace, and constables, and often a deputy sheriff. The justices were men of responsibility and approved character, and around them centered a strong personal influence. They met quarterly at the courthouse and administered the public affairs of the county. They laid taxes, appointed officers, provided for the poor, looked after the orphans and the settlement of estates of deceased persons. They laid off roads, appointed the overseers and directed the construction of bridges. In a word they exercised all the powers of government in matters of local interest in the several neighborhoods of the county. Also, they tried offenses against the law and civil suits between litigants. Necessarily they were attended by many jurors, witnesses and parties interested in their proceedings. Others with no particular business likewise

The County
Courts

attended from a desire of intercourse with fellow-men; and so those occasions thus drew great crowds together, and at such times private accounts were settled, trades were made, and ordinarily there was much swapping of horses, and occasional trials of speed, for the people dearly loved a horse race; also, there were more or less drinking and carousing, and contests, friendly and otherwise, of personal prowess. It was always a field day when court met. But apart from the social side of such meetings, in addition to these opportunities of social intercourse, there was a distinct value in training the people in respect for law, and in educating them in local administration, in legal processes and in matters of public concern. Many a man who could read no word in a book knew well the common law of the land, knew private rights and wrongs, knew nice distinctions and could weigh with unerring judgment the value of evidence. As deficient in schooling as the Barons of Runnymede, they had intelligence trained by experience into practical wisdom.

In 1783 the system of judicature was perfected by investing the Superior Court judges with equity jurisdiction, such as the Court of Chancery had under the Crown, but which had not been exercised by any court since the Revolution. There was, however, a provision that no final decree should be entered except when two judges were present. Now, the hardships of strict law were mitigated by an appeal to conscience, and while the judges might enter a judgment in the law court, sitting in equity, they could enjoin its execution.

Courts of
equity

Religion, the traditional inheritance of the race, measurably entered into the lives of the people who, however, were generally neither warmly attached to doctrine nor very demonstrative in their zeal. Francis Asbury noted in his Journal in April, 1780, that he preached in Halifax County to about five hundred persons—and “the people were solemnly attentive.” A few days later, he found “people were

Religion

1780

for the ordinances, though not heated." At the Tabernacle, about four hundred attended:—"The people very insensible. I think these people must be awakened by judgment, for it appears the gospel will not do it"; on Sunday at Green Hill's, Franklin County, O'Kelly "raised high, and was very affecting, but to little purpose. There are evils here,—the meeting not solemn: the women appeared to be full of dress; the men full of news. The people are gospel slighers: I fear some heavy stroke will come on them." Somewhat later Rev. Henry Patillo, a learned and observant Presbyterian minister, a man of great liberality and thoroughly imbued with a spirit of Christianity, wrote: "As to our young people, and others not well settled in their principles joining with other professions, and particularly the Methodists, I would just observe that this seems to be the versatile season with America; and a change of religious profession has become almost as common and as little noted as the variations of the weather in this most changeable climate."

C. R., XXIV,
34

This zealous Presbyterian also mentioned having received warm, friendly letters from the Methodists—whose bias naturally was towards the Church of England—"expressing their wishes to cultivate a nearer intercourse, and that bigotry might cease among Christians"; nor were the Baptists of a different mind, for he likewise pointed to "the friendly intercourse that subsists between the Baptists and us in all respects, except communion, known and acknowledged by all." Altogether, the picture he presents is free from the baneful spirit of religious intolerance. Indeed no zealous attachment to doctrine can be observed, but, rather, there was an expressed desire of Christian fellowship. Doubtless in those years when the denominations were unorganized and when there was an insufficient number of ministers, there was a loosening of religious ties and an indisposition to adhere closely to doctrine; but the seeds of piety had been sown and were planted in a fruitful soil, even if they lay dormant for a season.

In colonial days the Church of England had in some measure been organized in the eastern counties, especially near the Virginia line, but as constituted, upon the declaration of independence it was a solecism and out of place in the colonies. A portion of the National Church of England, with the rubric of the Book of Common Prayer requiring a prayer for the King, it did not fit the new conditions. Its members had been foremost in asserting their political rights, and under their leadership, chiefly, the Revolution had been begun and brought to a successful close. Notwithstanding the separation from England, by them it continued to be regarded as the Apostolic church, and they remained true to their faith and devotedly attached to the rites, ceremonies and practices of "the church." While the position of the laymen was thus peculiar, that of the ministers, being under the jurisdiction of the Bishop of London, was full of embarrassment. One of them, Rev. Mr. Wills, at Wilmington, withdrew from his charge in 1775, although he remained on the Cape Fear and performed the marriage service and perhaps other rites during the war. As the ordination of a new minister could be only by the Bishop of London, no other was then called, and twenty years elapsed before that pulpit was again filled.

Church of
England

At New Bern, Rev. Mr. Reed, although a Loyalist, continued to officiate; while the Edenton congregation had the services of Rev. Charles Pettigrew, a warm patriot, in the place of the Rev. Mr. Earle, who, in 1775, retired to his farm in Bertie County, although his sympathies were with the people. Rev. George Micklejohn, the pastor at Hillsboro, who was taken at Moore's Creek, remained in the State and eventually took the test oath, and after peace was a minister in Virginia. The other incumbents are said to have been in sympathy with the Revolution and to have continued their services without interruption. But on the separation from their mother country, there being no method of procuring ordination, the power of the organization to perpetuate itself

Vass:
Presbyterian
Church, 78

1783

ceased. In addition to this drawback the association of the church with the English hierarchy and its theoretical connection with the British government were distinct influences adverse to its being regarded with favor by the struggling patriots. Its members were as sheep in a wilderness without a shepherd. The three orders of ministers were essential to its existence, and there was no bishop in America. Naturally it was engulfed in stagnant waters, and years elapsed before it revived. In 1783 in Maryland, it assumed the name of "The Protestant Episcopal Church in Maryland," and that name was adopted by a General Convention held three years later. About the same time the consecration of bishops was secured; and that deficiency was supplied. But so weak were its adherents in North Carolina that year after year passed without any effort at organization, and when efforts were made, about 1790, they failed of success.

The Baptists

Nor were the other denominations, in the eastern counties, in a much more vigorous condition. Although there were a few Presbyterian congregations on the waters of the Cape Fear, in 1783 there seems to have been no minister of that faith east of Granville. The Baptists, however, were better settled, and there were Baptist ministers, especially in the northern counties, each congregation being separate and independent. Farther west the Baptists were still more flourishing; and there also the Presbyterians were well established, having at the end of the Revolution about a dozen pastors actively at work—men of high repute, and teachers as well as preachers to their flocks. In 1770 Orange Presbytery had been organized, and in 1788 the Synod of the Carolinas was formed. It was in that year that Rev. Mr. Patillo, who was located in Granville, published at Wilmington, his volumes of sermons. He also published an interesting volume on geography, printed in 1790, at Halifax, by Hodge.

The Presbyterians

The Methodists

The first Methodist Societies organized in North Carolina looked to Rev. Mr. Wesley as their head, and recognized the authority of the ministers of the Church of England; and,

indeed, they were regarded as being within the fold of that church. Dr. Coke was of that communion, and the first Methodist to preach in the State, James Pilmoor, afterwards became an Episcopal minister in New York. Like the Church of England, the Methodists suffered some detriment because of the conflict with the mother county, whence had emanated the influences that established and controlled the societies; but in 1784, at a Conference held at Baltimore, a new, distinct and separate organization was adopted. Yet notwithstanding the Methodists thus severed connection with the Protestant Episcopal Church, Christian fellowship was still maintained.

In 1780 Francis Asbury had traveled through the northern central counties, visiting the societies that had been established, and the year after the new organization he and Dr. Coke held at Green Hill's house, Franklin County, the first Conference. But despite the zeal and activity of the ministers, the growth of the Methodists, like that of the other denominations, was slow in the State. The people in many communities of the center and east had lived so long without regular ministrations that they had become somewhat indifferent to the formalisms and doctrines of church organizations. The Quakers and Moravians, being men of peace, had not suffered much during the war, but rather had reaped the reward of their steady habits and productive industry. The German Lutherans, whose church services were still in German, however, felt the effects of the war, like their neighbors, the Scotch-Irish.

First
conference

Unhappily, conditions in general were promotive of illiteracy, for educational facilities were meager and insufficient. The proposition to establish a public school in every county, made during Governor Dobbs's administration, had come to naught because some English merchants objected to the issue of currency proposed for that purpose; and Governor Dobbs having omitted to inform the Assembly of the particular objection, the obstacle was never removed.

The subject thus passed out of view and no further effort was made for general education at public expense. There were some private schools, but they were inadequate for the general education of the people. Yet the condition was not so bad but that it could be worse; and apparently it became worse. In 1826 Governor Burton urged on the Assembly: "Many enlightened persons believe that it is more difficult for an individual in ordinary circumstances to obtain for his child, at this time, the common rudiments of education than it was at the period when our Constitution was adopted."

Although there was a constitutional provision requiring the establishment of public schools, and also of a university, yet the provision was long inoperative. No general system of public instruction had been introduced anywhere except alone in Massachusetts; and circumstances were adverse to its inauguration in North Carolina. Education by the State has been a development of a more recent period. It was not then demanded by the spirit of the times. The scarcity of money made it difficult to pay taxes, and there was a general reluctance to pay public dues; but more than all, the isolated lives of the separate farmers, residing in sparsely settled neighborhoods, led them to be indifferent to education. Indeed, as Dickson expressed it, "the genius of the people was not adapted to the study of learning and science. The objects they had in view were money and pleasure."

Dickson's
Letters, 31

There were no magazines, no newspapers, or story books to stir the mind, to nourish the imagination, to exercise the mental faculties. Acquaintance with the art of reading and writing but little enlarged the horizon of life or added to the zest of living. In that primitive condition of existence, such education as could be obtained was of slight service in the daily routine of farm work, and was not felt to be indispensable, either for its usefulness or as contributing to recreation in the family circle. The labors of the day were not supplemented by intellectual pleasures. A considerable number of the poorer settlers probably had been without the

rudiments of an education, and illiteracy was on the increase among that portion of the inhabitants. An essayist, writing of Caswell County, says: "Between 1775 and 1800 a common English education—to read, write and cypher, was obtained by only one-half of the people of that county." Elsewhere it was largely the same. The absence of public schools bore heavily on the social condition of the interior. Yet there were individual efforts to maintain primary schools and even academies. At every session of the Assembly some new academy was incorporated, and trustees appointed to manage its affairs; but necessarily the influence of these was limited largely to the vicinity of the villages where they were situated and to those more prosperous families that had always enjoyed the advantages of education, for in every county and settlement there were then as now, some families of education who knew its value and fully appreciated its beneficial influences, and no sacrifice was accounted too great to obtain it for the children.

Coon, 1-64

In that period of isolation when there was so little room for intellectual effort, the art of letter writing was practiced by few, and, other than the public records, the memorials of the time are scant and meager. Nor has the small stock of what survived the uses of the day been carefully guarded. Williamson, Martin, Murphey, Hooper, and others sought, in succeeding generations, to gather up the scattered fragments for historical purposes, but their collections have all disappeared. McRee later performed a grateful service in publishing the correspondence of Iredell, and, if we may judge from the elegant diction and refined sentiments of that correspondence, even in the darkest hours there were circles here and there throughout the State, of a high order of social culture and literary merit.

Letters

Nor were there lacking the beneficial influences attending the order of the Masonic fraternity, which, established early in colonial life, was revived after the war. On the death, in 1776, of Grand Master Joseph Montfort, who held under

The Masons

Haywood :
Beginnings
of Freema-
sonry in
N. C., 14

authority of a British commission, the Grand Lodge ceased for twenty years; but in 1787 representatives from ten lodges met at Tarboro, and, setting up an independent authority, elected Samuel Johnston Grand Master. Caswell, Davie and many of the other leading men of the day were members. Since then the order has always been a factor in the life of the people.

The Cin-
cinnati

The general tone of society was more democratic and less aristocratic than either in Virginia or in South Carolina. But the form of government, a representative republic, was somewhat calculated to foster a class distinction. The absence of great fortunes tended to suppress social pretensions based on wealth and not founded on personal worth, public service and popular applause; and there was a jealousy of other distinction. An indication of the prevailing sentiment may be gathered from the speedy dissolution of the patriotic order of the Cincinnati. This order was organized in the State by the Continental officers at Hillsborough in October, 1783, General Jethro Sumner being chosen President. In the Assembly, a year later, a petition was presented against the order by General John Butler, who introduced a bill to render any member of it ineligible to a seat in the Assembly. His measure did not pass, but the opposition to the society was so strong as to control the action of the former Continental officers, to whom it was imputed that they designed to establish themselves as a peerage. On the death of General Sumner he was succeeded by Colonel John B. Ashe; but after a few years the society informally dissolved. Notwithstanding this democratic tendency, the Assemblymen virtually formed a class of rulers. They were generally men of substance in their counties, who drew around themselves such strong influences that they were almost continuously reelected to their seats. They elected all the great officers, and determined the policy of the State. Doubtless they were not inattentive to public opinion, which, however, they exercised a great power in forming; and although advocates of

S. R.,
XIV, 793

Davis: N. C.
Society of
Cincinnati,
53-55

A ruling
class

a democracy, they were measurably the ruling class in the State. It is much to their credit that legislation was sound, liberal and judicious, and the Assembly always responded to suggestions tending to the general welfare. In addition, it may be said that the Assembly generally recognized merit, and there was a liberality of sentiment illustrated in the election to high office of men but recently settled in the State and unsupported by great family influence.

The need of a printing press was keenly felt, and in the summer of 1783 Robert Keith set up one at New Bern, and in August he issued the first number of the *North Carolina Gazette*. There had been no newspapers published in the State in several years and the advent of this was hailed with interest and satisfaction. The office was "near the church where the subscriptions, essays and articles of intelligence are gratefully received." It was on a demy sheet, with clear type, and was offered for three Spanish milled dollars per annum. One of the printer lads was Francis Xavier Martin, a French boy, who had been stranded at New Bern. Connected with his printing office, Keith opened a book store and offered to the public *Edwards on Original Sin*, *Baker on the Divine Attributes*, a choice collection of hymns; and, for the use of schools, Testaments, spelling books, primers and writing paper. Quills alone were used for writing. The opening of a print shop speedily led to publications. No longer was it necessary for the pamphleteers to circulate their manuscripts by sending them from town to town by trusty messengers to secure safe delivery and preservation.

In the fall, Judge Spencer, over the signature of Atticus, printed an article on the Constitution, probably discussing the Loyalist, and John Hay, as Tiberius Gracchus, put out in a six-penny pamphlet an essay which in manuscript he had read to a coterie of admiring friends, ridiculing the Assembly and so violently assailing Judge Sitgreaves that Keith had to divulge the author's name, resulting in a personal altercation. Then Hay and the bench drifted apart. There

The press

Weeks:
Press of
N. C., 38

The
pamphleteers

McRee: Life
of Iredell,
75, 76, 95

McRee: Life
of Iredell, 96

quickly followed a war in which Cusatti, Sully, The Citizen, and The True Citizen bore their parts; also Germanicus. The Citizen was imputed to Judge Williams and Richard Henderson, the polishing touches being given by Governor Martin.

Death of
Burke

But one printing office did not suffice, and in March, 1784, another weekly was begun at Halifax; and perhaps one also at Hillsboro; and so disputants had several instruments of warfare. No one would have entered with greater zest and more caustic pen into these literary controversies than the brilliant Irishman, Dr. Burke; but his race was run. In December, 1784, that choice spirit passed away. His friend Hooper thus announced his melancholy fate: "Dr. Burke died about a fortnight since and fell, in some measure, a sacrifice to the obstinacy which marked his character through life. Laboring under a complication of disorders, oppressed with the most agonizing pains, which for months had deprived him of his natural rest; and to sum up his misery, no domestic prop to lean upon—no friend or companion at his home to soothe the anguish of his mind or mitigate the pain of his body—was not death to him a comforter, a friend and physician?"

McRee: Life
of Iredell, 83

The slaves

At the peace there were about ninety thousand slaves in North Carolina and five thousand free negroes. The location of the colored element of population was an incident of settlement. The western counties were settled chiefly by immigrants coming overland from Pennsylvania. These were accompanied by no negroes; and so, few Africans, relatively, were to be found at the west. Near the northern line as far as Surry, the settlement was largely from Virginia, and the planters brought their negroes with them. Along the coast, including Brunswick and New Hanover, negroes were comparatively numerous; but farther in the interior, where immigrants direct from Europe located, there were not so many. The free negroes were found chiefly in the older counties, where indeed there were more blacks

Census 1790

than elsewhere. In 1790 Halifax returned 6,506 slaves and 446 free negroes. Northampton and Bertie together, 9,650 slaves and 751 free negroes. In New Hanover and four adjacent counties there were 10,116 slaves and 215 free negroes. In Iredell, 846 slaves and 3 free negroes. In colonial times free negroes paid taxes like the whites, but could not vote. They lived apart and were not allowed free intercourse with the slaves.

Debates,
Conv. 1835,
p. 65

Slaves descended as other property. The master's right to rule was complete; but while he could punish, he could not take the life of a slave. Slaves could have no right to any property—but no one could interfere with them except the owner. They were amenable to the law for offenses, but the masters often protected them from punishment when charged with minor offenses; when one was executed, the owner was allowed his value, but in 1786 this practice was discontinued. They lived on their master's premises; and he was required to provide for their necessities; to care for them in sickness and in age.

Slaves generally were not allowed to use firearms, but the county court, on application of the owner, licensed one slave on each plantation to carry a gun for the purpose of protecting the property from depredations. The conduct of the farm, the administration and system of work and of living, was under the regulation of the master. Some slaves were taught to be carpenters, wheelwrights, blacksmiths, coopers and shoemakers, and the women to spin and weave. Often the farm raised its own wool and cotton, tanned its own leather, had its smithy and shop for wood work, and made its own shoes and clothing. In all this work, as well as in all farm work, some negroes were trained and skilled. Generally the farm or plantation was managed by the master, and in his absence one of the slaves, as "foreman," supervised the work with orderly precision.

Their work

There were but few great estates in North Carolina. In 1790, the largest slaveowner, Cullen Pollok, listed on four

The
slaveholders

plantations 372; Whitewell Hall, 270; Benjamin Luther, 221; Robert Haynes and Thomas Eaton in Warren, each 138. The next largest was Willie Jones, with 120; then Mr. Collins, 113; Peter Mallet, 103; and Governor Samuel Johnston owned 96. Only twelve persons listed 100. Hardly two hundred persons had as many as 50. Largely more than half the people owned none at all, while hundreds possessed only one or two. On the larger plantations the negro families had their separate houses, with small gardens attached, some distance from the mansion; and had such pleasures and recreations as their masters chose to allow. When the number of slaves was small they lived near the mansion, and were brought into very close association with the white family; and, in effect, all constituted a family. The men were "men of all work," and the women and children were employed about the domicile. This association had an educational advantage and tended distinctly to the elevation of the negro. Whatever there was of beneficence in the institution of African slavery thus had, perhaps, its best development in North Carolina, where the country negroes seem to have attained a somewhat more advanced condition than elsewhere.

The negroes
and religion

Generally, slaves had such opportunities for religious instruction as the condition of the country afforded. Writing in 1788, Rev. Mr. Patillo remarked that they composed a part of most congregations, and in those under his charge there were 150 negro communicants. Very ignorant, they were at first taken on trial before admitted to baptism or the communion. "In the meantime the black members are very diligent with them, instructing them, and narrowly inspecting their conduct." Most masters indulged their slaves in liberty of conscience, whether religious or otherwise, while "pious masters have great disquiet and vexation from the untractable and incorrigible temper of their slaves." "Of the religious negroes in my congregation some are entrusted with a kind of eldership, so far as to keep a watch-

ful eye over the black members. . . . The great matter of scandal among the negroes arises from their marriages or matches. Masters are so often selling their slaves, or removing to a distance, that as the creatures generally belong to different masters, they are often parted, or their places of residence become so distant that they can seldom see each other. Many masters, however, will rather exchange or sell, than part husband and wife." A few can read a plain book, and many more would learn on Lord's Day and sleeping time if they had spelling books, catechisms, Testaments and Watts's hymns, as they are peculiarly fond of singing." At that period there was no legal inhibition against teaching slaves to read and write.

Property right in the person of the African slave was the law of the New World at the time North Carolina was settled. It was a part of the institutions of every community. Incident to it was the slave trade, a commerce that came to be reprobated in America earlier than elsewhere. In every colony, from the earliest times, there were some individuals who were opposed both to slavery and the slave trade. In August, 1774, the freeholders of Rowan County resolved that: "The African slave trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful immigrants from Europe from settling among us, and occasions an annual increase in the balance of trade against the colony." This declaration was followed a few days later by a resolution of the first Provincial Convention, that "we will not import or purchase any slave brought into this province from any part of the world after the first day of November next." This resolve was observed by the people and enforced by the Committee of Safety. The next year Jefferson's declaration "that all men are created equal—" received universal assent, but that evidently had reference to the right to modify governments, and had no bearing on the status of the African slaves in the colonies. Yet the thought was expressed

Attitude to
slavery

C. R., IV,
1026
1046

and disseminated. Owners had the right of manumission, and apparently manumissions were multiplied, while the inconveniences of slavery became more pronounced when the struggle for independence began and the British sought to incite both the Indians and negroes to become their allies.

C. R., XXIV,
14

At the very first session of the Assembly under the new Constitution, "because of the evil and pernicious practice of freeing slaves, at this alarming and critical time, the personal right to manumit was taken away, a license from the County Court being made requisite, and the court was forbidden to grant the license except for 'meritorious services.'"

Ibid., 221,
336

Notwithstanding the racial difference, the negroes were a part of the population, and could render service—both bond and free. During the war the latter were enrolled in the militia, and performed military service as other freemen. Slaves, like Indians, Hessian deserters and some others, were not to be accepted as substitutes for drafted men; but, with their master's consent, they could enlist; and some did enlist and rendered faithful service as soldiers in the Continental ranks as well as in the State troops. One slave, Ned Griffin, of Edgecombe, having under a promise of freedom served faithfully for twelve months as a Continental, a special act of the Assembly was passed to enfranchise him and "dis-

C. R., XXIV,
639

charge him from the yoke of slavery," and he was declared "a freeman in every respect." As with him, so was it with others; after the Revolution free negroes became freemen in every respect. And thus it came about that they obtained the privilege of suffrage, which they enjoyed until the Constitution was amended in 1835. But their legal status, as well as that of the slave, was anomalous, and the Congress of the United States at its second session excluded them from being enrolled in the militia. Negroes could not give evidence against a white man, and in some respects they were not regarded as citizens. But free negroes had property rights, and generally speaking had all the benefits of the law. Many became men of substance, and they sometimes owned

Debates,
Conv. 1835,
p. 65

Racial
differences

slaves. James Lowry, apparently the progenitor of the outlaw Henry Berry Lowry, was in 1790 the owner of several slaves. Many other free negroes likewise were slaveowners. One who had served in the Revolution, John Chavis, not only was a slaveholder but was a school-teacher, having among his pupils some boys who afterwards became men of renown. He was also a Presbyterian minister.

Census 1790

After commerce was reopened slaves were again imported, but in 1786 their importation was declared productive of evil consequences and highly impolitic, and in order to arrest it a tax of ten pounds was laid on the importation of the most able-bodied, with a smaller duty on others. Some of the northern states had already taken measures to abolish slavery, and their slaves were being sold to southern planters. North Carolina did not propose to allow this transfer to her territory of negroes who in their own states had the hope of freedom, and by act of Assembly it was forbidden to bring into North Carolina any slave from any state that had taken such a step, and should any be imported contrary to that act, they were to be immediately returned to the place from which they were brought. While the institution of negro slavery was thus perpetuated after the Revolution, yet the importation of slaves was regarded as injurious and North Carolina was not favorable to a continuance of the slave trade. The influence of the Quaker element of the population was distinctly against the institution of slavery, and perhaps the prevalence of such sentiments was a natural result of the war itself.

S. R., XXIV,
793

1786

To arrest
importationS. R., XXIV,
794

Indeed the Revolution not only called forth many virtues but developed much latent ability. When the war began, says Ramsay, the Americans were a mass of husbandmen, merchants, mechanics and fishermen; but the necessities of the country gave a spring to the active powers of the inhabitants, and set them thinking, speaking, and acting, in a line far beyond that to which they had been accustomed. It seemed as if the war not only required, but created talents.

Effects of
the
Revolution

Men, whose minds were warmed with the love of liberty, and whose abilities were improved by daily exercise, and sharpened with a laudable ambition to serve their distressed country, spoke, wrote and acted with an energy far surpassing all expectation which could be reasonably founded on their previous acquirements.

The long years of the struggle had been a period of great intellectual activity, and the creation and administration of government had thoroughly awakened the people and vitalized their energies. Great writers were produced, great thoughts had penetrated the minds of the masses, and heart and soul, body and mind, alike, had been on the rack, and tens of thousands of men, bred in solitude, had moved over the face of the country, every faculty quickened and stimulated and every passion brought often into play. Thus, as in all long and arduous contests, the people emerged from the war, uplifted by the struggle, developed in all their faculties, broader in thought, stronger in action, more resourceful, and with higher powers and nobler aims than before they had suffered the fearful experience; and, besides, they were inspired with a great hope, a great confidence in the future of their country.

CHAPTER II

1783-1785

ALEXANDER MARTIN'S ADMINISTRATION

Attitude towards the Tories.—Dissatisfaction with the Treaty.—The perilous condition of the Union.—Action at Edenton.—The settlement on the Cumberland and growth of the Watauga counties.—Land granted to the soldiers; to Henderson.—The Assembly of April 1784.—Martin's progressive address.—Reëlected.—Entails abolished.—Advanced legislation.—Lands of Tories held forfeited.—Fayetteville incorporated.—Rivers to be made navigable.—Clubfoot and Harlow canal.—Special Commerce Courts.—The Treaty not observed.—The offer to Congress of the Western Territory.—Conditions beyond the mountains.—The people assert independence.—The Assembly meets in October.—A census ordered to be taken.—Caswell elected Governor.—Liberty Hall moved to Salisbury.—Science Hall.—Oath of allegiance modified.—Quakers allowed to wear hats in court.—The three-fifths rule.—Duties laid for Congress.—Indignation at greed of other states.—The offer to Congress withdrawn.—The District of Washington.—Sevier elected General.—The people of Franklin disregard the repeal.—They adopt a Constitution.—Sevier Governor, and Caswell County erected.—The currency of the new State.—Martin's admonitions disregarded.—Franklin seeks admission into the Confederacy.—Efforts to control the people in vain.—Martin calls the Assembly to meet.—Congress urges North Carolina to annul her repealing act.—Caswell Governor.—The Assembly without a quorum.

Although the year 1783 brought peace it was not unmarked by agitations. The doubts, the dangers, the vicissitudes of the war were passed; a new standpoint was gained; but new questions arose to engage the attention of men, enlisting their sympathies, awakening their apprehensions and arousing their passions. In the final draft of the Treaty of Peace Great Britain had sought to conserve the interests of the Loyalists who, as dutiful subjects, had made great sacrifices in behalf of their Sovereign and had staunchly and vigorously maintained the Royal cause. She secured a stipulation that debts to British creditors were to be paid in full; that there were to be no further confiscations or prosecutions; and that Congress was to earnestly recom-

1783

The feeling
against the
Tories

mend restitution of all rights and property. When this provision of the Treaty, at first withheld by Congress, was eventually made public the country was at once aflame. In every state there were the same vigorous protests. The Patriots would grant no favor to the Tories. It was imputed to these enemies of their country that they had cheered the British when despondent, and, by their zealous partisanship, had greatly prolonged the hopeless struggle for British supremacy; that they had given to the contest its particular cast of brutality and had been the chief actors in the butcheries that marked its progress; that they had applied the torch to their neighbors' houses with relentless barbarity, and had wantonly destroyed property while murdering the unfortunate victims of their vengeance. Some prudent men realized that better temper should prevail, and urged that the Treaty under which independence was secured should be sacredly observed in every part. But these were few in number, and their arguments served to intensify rather than assuage the prevailing bitterness.

The revolt of the soldiers

A question not arousing equal passion but of yet more vital importance related to the Union that had successfully carried the colonies through the long war to independence. The Confederacy was burdened by a crushing debt, and was bankrupt. Its currency was without value; the public creditors were unpaid and there was no power to impose a tax. Worse than all, no provision could be made to settle with the soldiers who had won independence and were now in their camps clamoring for their arrearages. To meet this exigency Congress directed that Washington's veterans, although unpaid, should return to their homes on furlough. As the army was being thus disbanded a hundred malcontents of the Pennsylvania line marched from Lancaster to Philadelphia to demand of the Pennsylvania Council

payment of their dues. Joined by others until they became a formidable mob, they surrounded the building in which not only the Council but the Continental Congress was in session, and encircled it with a cordon of bayonets. Anarchy was about to supplant all authority. Eventually the members of the Congress succeeded in escaping; and they, with indignation, resolved to leave Philadelphia and meet at Princeton. Washington, always prompt, hurried General Robert Howe to the scene with a sufficient force to quell the mutineers. The boldness of the mob and the indignity to Congress alarmed the friends of established government who saw rising above the horizon a portentous cloud that threatened the destruction of all law and order. Gloomy apprehensions and painful forebodings thus followed fast the general rejoicings. The financial straits into which the government had fallen were assuredly deplorable and apparently without remedy. Unanimity was requisite for action and the negative of a single state could defeat any measure; and as the power to levy taxes was not conferred on Congress it could only apportion the amount needed among the states and leave it to them to raise their quotas by taxation.

The straits
of the
government

The Articles of Confederation

North Carolina was not indifferent to these radical defects in the Articles of Confederation. In the darkest hour of her own distress, July, 1781, she had with her accustomed zeal assented to the levying of a five per cent duty for the use of the United States; but other states withheld their sanction and the measure had not become operative. The varying interests of the different states raised obstacles that rendered all efforts for unity abortive. The common debts remained unsettled and unsecured. The pledges of the states were unredeemed, and the Confederation was about to vanish in ruin and disgrace. No state was more

North
Carolina's
attitude

1783

McRee:
Life of
Iredell
II, 39

alive to the situation than North Carolina; nor were any delegates more zealous than hers. In February, 1783, Williamson wrote from Congress to Iredell: "For more than three weeks we have been constantly engaged in fixing a scale for settling the quotas of the different states. To-day we have agreed on one resolution which the Southern States have carried with great difficulty. I believe we failed in twenty different plans before we fixed on one. The framers of our Confederation, with reverence be it said, were not infallible. Congress has reserved the power of making treaties; these treaties include the relations of commerce; we borrow money and have not the means of paying sixpence. There is no measure, however wise or necessary, that may not be defeated by a single state, however small or wrong headed. The cloud of public creditors, including the army, is gathering about us; the prospect thickens." The picture was gloomy indeed.

The Tories

During that summer, hostilities being over, a number of Tories, who had formerly abandoned their homes, returned to the State. Several came to Wilmington, but the popular ill will ran so high against them that they quickly withdrew. Their enforced departure irritated those inhabitants who had social and friendly relations with them and led particularly to the estrangement of Archibald Maclaine, who had been a strong patriot, from many with whom he had previously coöperated. As time passed his sympathies and interests became more and more involved with the Loyalists, and he grew in bitterness towards those whose faces were hard set against them. At Edenton, ever the seat of vigorous zeal guided by high intelligence, these public matters agitated the people profoundly. On the first day of August a meeting of the citizens was held, presided over

Maclaine

by Samuel Johnston, at which resolutions were adopted urging the maintenance of order, the support of government, the payment of the public debt and justice to the soldiers. In particular was the necessity of continued union urged, and an enlargement of the powers of the Union. It was also resolved, "That we wish, as far as it is consistent with the Treaty of Peace, proper measures may be taken to guard the evils that might arise from a return of those persons who withdrew themselves from a defense of the country and joined the British in time of our distress"; and the "gasconading encouragements they held forth to induce a continuance of the war" were dwelt upon in vigorous language. Especially it was recommended to the magistrates to be vigilant against those persons who might attempt to return in violation of the laws.

1783

Sam
Johnston

These resolves, appealing alike to prejudice and patriotism, doubtless were proposed as embodying the purpose of those who favored them as of the first importance, strengthening the Federal Union. But there were other subjects, also, tending to division.

The western settlements

The region beyond the mountains had become of importance. Settlers guided by John Sevier had moved from the Watauga to Nolichucky, and the Indians ceded all the territory north of the French Broad to the whites, reserving as their hunting grounds the region south of that river. Farther in the interior of Kentucky had received many accessions, and the call of the West appealed to bold, adventurous spirits. In 1779 James Robertson penetrated far into the wilderness and established a camp at a salt-lick on the Cumberland, separated by impassable mountains from the Watauga settlements. Once occupied by the French traders as a station, it was commonly known as "French Lick." The following year others passed in boats

1783

Grants to
the soldiers

down the Tennessee to the Ohio, and then ascended the Cumberland to Robertson's cabins. Although much harassed by Indians they held their ground and so increased in numbers that in 1783 the North Carolina Assembly incorporated that region into a county, calling it Davidson, and naming the central settlement Nashville. At the same session the State made some provision for her soldiers now returning to their homes, wearing the laurel leaf of victory. There was set aside, as a bounty for the veterans of the war, an extensive domain from the point where the Cumberland River crossed the Virginia line, south fifty-five miles, then westward to the Tennessee; and Martin Armstrong was appointed the surveyor to locate their grants, while a board of commissioners adjusted their accounts to be paid by the Treasurer.

The
migration

On the east of the Cumberland Mountains, in the valley of Powell River, in extinguishment of their claims for land purchased from the Indians, more than two hundred thousands acres were allotted to Richard Henderson and his associates, the Indians remaining in possession from the French Broad to Chickamauga. And now the soldiers crossed the mountains to take possession of their bounty lands, and population flowed in with a rush to occupy the fertile tracts along the Powell and the Clinch, while others passed on to the distant Cumberland.

The Assembly meets—Martin's great address

The Assembly elected in the spring of 1784 met at Hillsboro in April and, having much business of importance to transact, the session was prolonged beyond any other since the Revolution. It was remarkable for its ability, and its work indicates breadth and patriotism, a just conception of the needs of the day and zeal in perfecting legislation. Perhaps because of the great matters to be determined both Willie Jones and Sam Johnston, neither of whom was often

in the Assembly, were members of the Senate. The overshadowing questions were those relating to the Union, and to the future prosperity of the State, and these were forcibly dwelt on by Governor Martin in his address. The cause of the Union he urged with power and without reserve, insisting on "the great wisdom displayed in connecting the states under one common sovereignty in Congress." "I need not mention," said he, "in conclusion, that you are building for posterity. For centuries to come the infant annals of our time will be traced with eagerness by inquisitive posterity for precedents, for maxims to which the future government may still conform. Now is the important moment to establish on your part the Continental Power on its firmest basis, by which the people of these states rose and are to be continued a nation." But as anxious as he was to maintain the Union, he was no less pronounced in advocating progress in State affairs. A resident of the western part of the State and familiar with the disadvantages under which the inhabitants of the interior labored, he pressed on the Legislature administrative policies intended to promote the general welfare. The practice of issuing State bonds had not then been introduced, and in a general way it may be said there was no State credit. State aid could be given only through taxation, and the people were not familiar with the idea of taxing the whole for the advantage of a part. Local efforts alone were available for the promotion of enterprises. In presenting these subjects to the Assembly the Governor remarked: "The trade and navigation of this country is of lasting consequence, and requires your immediate interposition and patronage. It is necessary our rivers be rendered more navigable, our roads opened and supported, by which the industrious planter may have his produce carried to market with more ease and convenience. Thereby more merchants of opulence would be induced to settle in the State and open new resources of industry among our inhabitants." In particular, he again urged, "Let

1784

S. R., XIX,
498ff

Transportation

1784

Education

me call your attention to the education of our youth. May seminaries be revived and encouraged, where the understanding may be enlightened, the heart mended and genius cherished: whence the State may draw forth men of ability to direct her councils and support her government. Religion and virtue claim your particular care. To preserve the morals of the people is to preserve the State." Such sentiments met with the approval of the members, and Martin was again chosen Governor.

Caswell, Jones and Johnston, all sustained the Governor in his measures: and at the end of the session, gratified at his success, he wrote with enthusiasm to the delegates in Congress: "You have here seven acts passed this session. They contain almost all the substances of every principal recommendation relative to finance. The request of Congress as to the western lands, their favorite object, is complied with. The Assembly came to no resolution as to the refugees. Debate ran high. Several bills fell through respecting them, and confiscated property remains unsold which were laid over to the next session."

Progress

At that epochal period, when every community in America was entering on new conditions, there was adopted a great mass of legislation conforming our institutions to the new life of a broader citizenship; and it is to be noted that at this time acts were passed abolishing entails, admitting the half-blood to inheritances, allowing parents to inherit from their children, allowing widows to dissent from the wills of their husbands, providing easier means of subjecting real estate to the payment of debts, making courts of equity more efficient and extirpating many vestiges of the feudal times.

S. R., XXIV,
572ff

State
measures

By an act altering the meeting of the Assembly to October and the election to August, it was provided that at the next session a new Governor should be chosen who should qualify in June, 1785, at the expiration of Governor Martin's term: and the practice of having district treasurers was dis-

continued and Memican Hunt was elected Treasurer of the whole State.

As the five per cent duty granted in 1781 to the Confederacy for an unlimited period had not become effective, now on the recommendation of Congress another act was passed granting the duty for the limited term of twenty-five years, but with the same condition—that the other states should agree to it. Under this act the collectors were to be appointed by the states, but were to be removable by Congress. Until the act should become operative, by the other states adopting it, North Carolina imposed a two per cent duty for herself. Further, for a period of twenty-five years, the Assembly granted to Congress a tax of six pence on every acre of land in the State.

Grants to
Congress of
duties
and taxes

S. R., XXIV,
557

The three-fifths rule

During the war the public burdens had been apportioned among the states on the basis of property. In 1783 the Southern members, after a long struggle, succeeded in changing the basis from property to population. In the enumeration of the people for this purpose, all free inhabitants, of every age, sex and condition, were to be counted, and “three-fifths of all other persons not computed in the above description.” Such was the origin of the practice of computing five slaves as the equal of three freemen, for purposes of taxation; and afterwards for representation. It is, however, observable that the word slave was not used in this enactment, nor in the Federal Constitution that perpetuated it. This proposition, vigorously pressed by the Southern delegates, as mentioned by Dr. Williamson, was adopted in Congress in 1783 and agreed to by North Carolina in the spring 1784, and, becoming operative, was continued in the Constitution of 1787, being known as the “three-fifths” rule.

Although hampered for the want of means, the Assembly, animated by a spirit of progress, was not unmindful of

1784

River
navigationS. R., XXIV,
634

Ibid., 606

Liberty Hall
and Science
HallActs 1784,
Ch. 21

Fayetteville

The
Granville
and
McCulloh
tracts

the commercial and educational interest of the commonwealth. The inspection laws, pilotage regulations, and road laws were revised and perfected; and steps were taken to make navigable the Roanoke and the Dan, also the Cape Fear, the Neuse, the Tar, the Trent and the Fishing Creek; and indeed the county courts were authorized to make navigable at county expense any stream in their respective counties, while private enterprise undertook to cut the Club-foot and Harlow canal. In the interest of commerce a special court was established to be held at the four seaport towns, to try cases arising among foreigners or seamen, or involving subjects of a mercantile nature. Provision was made for taking a census of the inhabitants and a tax was to retire old currency. Trustees were appointed for Innes Academy; and for two public schools in Onslow, for two academies in Morganton district; and, the trustees of Liberty Hall at Charlotte having represented that institution had fallen into decay and having petitioned for its removal to Salisbury, trustees were appointed for Liberty Hall to be established at Salisbury, and, amending the charter of Science Hall at Hillsboro, the Assembly converted the old St. Matthews church into a free church and an academy. And in a spirit of tolerance, a special act was passed allowing the Quakers to wear their hats in the courts: and the oath of allegiance was likewise modified, for all persons admitted as citizens were required to take the oath of allegiance and fidelity to the State.

In grateful recognition of Lafayette's services the name of the town of Campbellton had been changed to Fayetteville and its importance had been extended by making it the seat of a District Court: and now Moore County was laid off.

As the State now claimed the Granville territory, directions were given that all the papers connected with Granville's land officers should be collected and preserved. Henry McCulloh had succeeded to his father's rights in

the lands granted him for settlement in 1736; but he being a Loyalist, his estates, like Granville's, were held forfeited, and his petition for their restoration, although warmly pressed by many influential friends, was denied.

Indeed the implacable animosity of the fiercer Whigs against the Tories was constantly manifest. Agreeably to the express desire of the Continental Congress, the Grand Committee of the Assembly brought forward bills to repeal such laws as were inconsistent with the Treaty of Peace, and to restore to the Tories such confiscated property as had not been already sold. Johnston, Hooper, Willie Jones, Maclaine, Hawkins, General Butler, General Person and others, either from the softening influences of friendly ties, or to give effect in good faith to the Treaty of Peace, advocated these measures, but without avail. Abner Nash, General Rutherford and their associates carried the day. George Hooper, brother of William Hooper and son-in-law of Maclaine, was a Loyalist, and he and Henry Eustace McCulloh had many friends; but they were powerless. On May day, when hope and cheerfulness are commonly in the ascendant, Hooper wrote: "My hopes are at an end. This day has put the matter beyond controversy; and there is not a phrenzy of misguided political zeal, avarice cloaked in the cover of patriotism, or private passion and prejudice, under the pretense of revenging the wrongs of the country, let these be carried to what excess they will—that can give us the least surprise. In the Commons in spite of everything I could do, the bill was rejected, some 20 of 80 for it. It fared worse in the Senate. Mr. Johnston spoke for it; Willie Jones stepped forward in a very becoming manner:—their labor was lost. Griffith Rutherford called the objects of the recommendatory clause, 'Imps of Hell'; the vote was called, and there were not ten in favor of it." Later he wrote: "The political phrenzy was high; beyond anything I had foreseen." The popular heart was indeed strongly set against the Tories.

1784
~**Western territory ceded**

Another measure also led to divergences. Congress in sore straits had urged the states to cede their unsettled western territories for the benefit of the Union. North Carolina had such territory, and some of the people desired the cession to be made.

The North Carolina Legislature, adopting the suggestion, offered to cede her entire territory beyond the mountains, although it was thought to contain one-tenth of her population. The proceeds of the unoccupied land thus ceded were to be for the payment of the creditors of the United States. This measure was deemed by some as unjust, weakening the security of the creditors of the State and depriving the inhabitants of a chief asset for the payment of their public indebtedness. William R. Davie made vigorous opposition, and under his leadership General Person and thirty-six other members filed a strong protest against it. In particular it met with the disfavor of the representatives of the interior counties, and even some of those from beyond the mountains strenuously objected. But the purpose to contribute to the common fund of the Union was strong, and, besides, there were both political and economical reasons for the cession. The inhabitants of the territory were entirely segregated, and the administration of public affairs, rendered difficult as well as expensive by the remoteness of the region cut off by impassable mountains, had been so unsatisfactory that many of the people were discontented and desired separation. And so, despite much earnest opposition, the bill was hastily passed without the subject having been discussed at all among the people of the State. There were, however, several conditions attached to the donation. It was to be accepted by Congress within twelve months. As a provision for orderly government, the territory was to have the North Carolina Constitution until the inhabitants themselves should change it; and there was

The
provisos

to be no regulation made by Congress tending to the emancipation of slaves other than should be directed by the new State itself. This last provision was inserted because Congress had already manifested a disposition to legislate against slavery. When an ordinance was being framed for the government of the Northwest Territory, a provision prohibiting slavery in that region failed only by the vote of Richard Dobbs Spaight, one of the North Carolina delegates. Three years later, in 1787, when a second ordinance was passed, Jefferson was successful and slavery was forever prohibited in that extensive region.

1784

S. R., XXIV,
563

There was a further provision in the Act of Cession that until Congress should accept the gift the sovereignty and jurisdiction of North Carolina, in and over the territory and the inhabitants thereof, should remain in all respects as if the act had not been passed. So with respect to government in the territory, the existing government was not disturbed; nor was it to be disturbed until Congress should accept the gift; and then it was provided that the Constitution under which the people had lived should continue to be their fundamental law until changed by themselves. Subject to the conditions mentioned, North Carolina, in June, 1784, made the tender of one-half of her territory already somewhat settled, and with population pouring into it, for the benefit of the Union. Truly it bespoke of high patriotism. No other state had been so liberal in sustaining the common government. If during the war North Carolina's contributions for the cause had been unsurpassed, now in time of peace she again set an example for her sisters to follow.

1784

At the west

Some unexpected events, however, quickly followed the passage of the act. When the measure was being considered some of the representatives from the counties embraced favored its passage, while others stoutly opposed it. The

1784

The
Franklin
ConventionRamsay:
Tennessee,
797

sentiment of the leaders was divided, but the people for the most part hailed it with satisfaction. For some time courts had not been regularly held beyond the mountains, and the laws were not fully enforced. Settlers were daily encroaching on the lands of the Indians, who had become irritated because of prolonged delay in delivering to them goods, agreeable to a treaty stipulation, in compensation for territory already relinquished. These circumstances aroused a spirit of hostility and several of the encroaching settlers were murdered. A feeling of unrest, perhaps of insecurity, began to pervade the settlement. And, so, when the news was received of the Act of Cession, among the greater number of people it fell on willing ears. It was urged that the State had neither sufficiently enforced law nor given adequate protection; and soon the people numbering some thirty thousand, hardy and self-reliant, moved forward with eagerness to assume the functions of self government. Doubtless, also, the vista of public honors in a separate and independent commonwealth was pleasant and alluring to aspiring leaders and quickened them to action. There was some objection; but the voices of those who doubted were drowned in the general commotion. Although not authorized under the act of the Legislature, a movement was made to hold a popular convention. Without delay the counties of Washington, Sullivan and Greene elected delegates, who assembled at Jonesboro in August, 1784. It is the first step that always costs. This irregular action, not anticipated nor authorized by North Carolina, was the beginning of events that led to grievous disappointments and deplorable anarchy. The idea of independence had been urged with great zeal and had taken strong hold on the public mind. The proceedings of the Convention were opened by reading the Declaration of Independence; the Act of Cession was approved; and initial steps were taken to establish a new government; and an association was adopted and signed to maintain independence. John Sevier presided over the Convention

and gave direction to affairs. One of the heroes of Kings Mountain, he had long been the most important personage in that region, and was esteemed for his capacity and character no less than for his bravery and vigorous action. Under his direction it was determined to call a second convention for the purpose of framing a constitution, and in the interim it was resolved that the new State should establish a government similar to that of North Carolina.

Sevier

The North Carolina Assembly

In August the North Carolina election was held under the new law, and in October the Assembly met at New Bern. As Governor Martin's term was to expire in the spring, a successor was now to be chosen. Caswell and Nash were the aspirants, the former becoming the victor by twenty majority.

1784

The people had not generally approved the Act of Cession. Davie and his followers had been sustained at the election, and the new Assembly was in sympathy with that faction. Besides, a new cause of dissatisfaction was now brought to the attention of the members.

Virginia and New York had in December, 1783, agreed to convey to Congress the unsettled territory beyond the Ohio; but Massachusetts and Connecticut had set up a claim for a part of that region for themselves; and these and other states were making demands on Congress for the repayment to them of bounties paid to their troops, and were presenting claims for other military expenses incurred for local purposes. These demands, so at variance with North Carolina's liberality, excited disgust and aroused indignation. The Assembly directed the Governor to make up North Carolina's expenditures and to insist on payment; and, it appearing that other states had not passed acts levying taxes

Cession
repealed

for the Union similar to those passed by North Carolina, the money collected under these acts was directed to be turned into the State treasury; and further, since Congress had not yet accepted the gift of the western territory, the Assembly repealed the Act of Cession, the vote in the House being 37 to 22. So within six months after the offer was made, it was withdrawn. Having determined to retain the territory, the Assembly created a new judicial district, called the District of Washington, covering the four western counties, and appointed John Haywood to preside, and David Campbell an associate judge; and John Sevier was appointed Brigadier General of the district.

S. R., XXIV, 661

S. R., XIX, 804

S. R., XXIV, 678

Ibid., 689

S. R., XVII, 109

The State of Franklin

Sevier had been the central figure in the movement to establish a new state, but, on learning of this action of the North Carolina Assembly, he was satisfied with it and urged that no further steps ought to be taken looking to separation. A majority of the inhabitants, however, determined to persist, and Sevier's advice was disregarded. Nevertheless he exerted his influence to such good purpose as to prevent the election of delegates to the approaching convention in two of the counties. Elsewhere his opposition was ineffectual, and, finding the popular current for separation too strong to be stemmed, he at length yielded to it and became a member of the new convention and presided over it. That body framed a constitution similar to that of North Carolina, which was submitted to the people for their consideration, to be rejected or ratified by a convention to assemble thereafter; and it ordered an election for members of Assembly. The Assembly so elected convened in March, 1785. At its first session it elected Sevier Governor of the State for a term of three years, and David Campbell presiding judge of its courts; and also appointed State and county officers. The old county officers who had been commissioned by North Carolina were for the most

March, 1785

part retained in their respective offices. The county of Greene was divided, and two new counties erected, one named Sevier, and the other in compliment of Governor Caswell; while an academy was incorporated, called in honor of Governor Martin, as the State itself had been called Franklin in compliment of Dr. Franklin, then of great influence in the Continental Congress. The salaries* of the officers were fixed at moderate amounts; and, there being a scarcity of currency, it was enacted that the produce of the country should be received at certain fixed values in payment of all taxes, public debts and salaries. This was entirely similar to the early practice of Albemarle and North Carolina; and the same custom had prevailed in some other states and communities. Good flax linen was rated at 3s. and 6d. per yard, linsey at 3d., beaver and otter skins at 6d., raccoon and fox skins 1s. 3d., woolen cloth at 10s., bacon 6d. per pound, good distilled rye whiskey, 2s. 6d. a gallon, peach or apple brandy at 3s. a gallon, country made sugar at 1s. per pound; deer skins 6s., good tobacco 15s. the hundred.

Ramsay:
Tennessee,
297

On learning that the people were taking steps to form a separate state, Governor Martin, in 1785, dispatched a special messenger to General Sevier, notifying him of the repeal of the Act of Cession and warning him and the people to desist from their revolutionary proceedings and be obedient to the laws of North Carolina. But the admonition was disregarded. The Legislature of Franklin was then in session and made a formal reply, as also did Governor Sevier, declaring their purpose to proceed; and Colonel William Cocke was directed to hasten to Philadelphia and solicit Congress to admit the State of Franklin into the Confederacy. North Carolina, they said, had cast them off and they did not mean to return.

Martin acts

April, 1785

S. R., XVII,
601, 625

S. R., XXII,
640

*The word "salary" had its origin in the practice of paying the old Roman soldiers their stipends in salt.

On receiving these replies Governor Martin convened his Council, and on April 25, published a manifesto requiring the inhabitants beyond the mountains to abandon their purpose to form a new state, and to return to their allegiance. He declared that the people of North Carolina were unwilling to part with them as indicated by the result of the recent election for members of the Assembly; that all their grievances had been remedied; that a military district had been created for them, and a brigadier general appointed; and also that a resident associate judge had been appointed to hold their courts. But both his entreaties and warnings were equally unheeded. Undismayed by the Governor's proclamation, Sevier and his associates, although denounced as being in revolt, held fast to their new constitution and reveled in the delights of independence. Evan Shelby, now appointed Brigadier, in the place of Sevier, and John Tipton, the Colonel of his county, and Col. James Martin, the Indian agent, all men of great influence, exerted their utmost power to arrest the progress of events, but without avail. Finding that the western counties persisted in their course and defied the authority of the State, Governor Martin issued a call for the Assembly to meet in New Bern on June 1.

S. R., XVII,
440

In the meantime the people of Franklin were not inactive. They proceeded to administer the affairs of the new State with resolution and determination. Colonel Cocke, on reaching Philadelphia about the middle of May, met with much favor at the hands of Congress, and that body, with scant courtesy to the North Carolina delegates, manifested its sympathy in his mission by urging North Carolina to retrace her steps and annul the repealing act and execute a conveyance of the western territory to the Union.

Thus matters stood at the opening of June when Martin's term expired and Caswell entered on the administration. Although the Legislature had been called to meet with the new Governor, a quorum did not attend, and Caswell was left to deal with the novel situation without its aid. June, 1785

Doubtless the large majority of the inhabitants of Franklin had merely removed from Orange, Anson and Rowan counties across the mountains, although others came in from Virginia. The western part of North Carolina, from the present Hillsboro to Lincolnton, had been settled by thousands of Germans and Irish, with a sprinkle of French and Scotch, and some English west of the Yadkin, and Quakers from Back Bay, Maine, Nantucket, Pennsylvania and Maryland; and the Moravians. In 1756, an entry in the Moravian Diary reads "Three wagons loaded with grain came to the mill today: two were from New Garden, a Quaker settlement, and the third was from the Jersey (Irish) settlement." Those emigrants had now for years been North Carolinians, and when they went across the mountains they were still citizens of the State, and Caswell did not wish to deal with them harshly.

CHAPTER III

CASWELL'S SECOND ADMINISTRATION

1785-1787

Caswell's policy of conciliation.—The Assembly makes laws for the Western District.—Formalities of elections dispensed with.—The interregnum.—Commerce and copyright.—The Grove and other academies chartered.—The controversy between the bar and the bench.—The Assembly disappoints the Tories.—The court suspends an act of Assembly.—It banishes Brice and McNeil.—The alleged frauds against the State.—The Annapolis conference.—The Assembly meets at Fayetteville.—The arrest of the state prisoners.—The conduct of the judges investigated.—The judges thanked.—They hold the Act of Assembly unconstitutional.—Commissioners appointed to the Philadelphia Convention.—Pardon offered to the inhabitants of Franklin.—Sumner County erected.—Importation of slaves taxed.—The population of the counties.—Delegates to the Continental Congress.—The trial of the state prisoners.—Moore, Davie and Iredell.—The conviction and punishment of the prisoners.

1785

S. R., XVII,
446, 472

Caswell, called now for the second time to the helm of the State at a difficult period, acted with that prudence and moderation which had ever characterized his public conduct. In anticipation of his administration, on May 17, Sevier wrote him a long representation, inveighing strongly against Governor Martin, who had "lately sent up into our country a manifesto, together with letters to private persons, in order to stir up sedition and insurrection." In reply, Caswell said that matters must remain as they were until the Assembly should meet; but he was not to be understood as giving countenance to the measures taken by the people west of the mountains. The situation in Franklin therefore remained undisturbed. The Legislature held its sessions and made laws and the officers of the new State performed their functions without interruption.

S. R., XX, 5

When the Assembly met in November Martin succeeded to the position of Speaker of the Senate made vacant by

Caswell's elevation to the executive office. His influence was unabated. Representations were made to the Assembly on behalf of the people of Franklin; but they were unheeded. Harsh measures, however, were not taken. On the contrary a policy of conciliation was pursued. While asserting the sovereignty of the State over that part of her territory, the Assembly refrained from the exertion of force, doubtless expecting that sooner or later the people would voluntarily return to their allegiance. Still it made laws to be enforced in that particular part of the State. Because of the tide of immigration setting to that remote wilderness, in order to preserve the grain raised as food for the inhabitants, the Assembly forbade the erection of any distilleries beyond the mountains. Moreover, it appointed inspectors of tobacco for that region, for the culture of the weed had extended beyond Surry and Burke to the confines of civilization. It also provided for the erection of an academy at Nashville, granting 240 acres of land for the purpose; and it established a Superior Court for Davidson County. Indeed, the people of that county were so remote from the State of Franklin that they were not at all involved in the movement on the Watauga and were in entire accord with North Carolina. At the session of 1785 John Haywood was appointed judge to hold court across the mountains, but the situation was so perilous that in June he wrote to the Governor that if it was thought that he should risk his life through hostile savages, he would at the peril of his life undertake the service. He seems not to have gone. The next year John Brown was elected judge.

Conciliatory
measures

Of the inhabitants in Franklin there were some who adhered to North Carolina, but the authority of the State was so generally rejected that in order to afford an opportunity for the loyal people to be represented in the General Assembly, it was deemed necessary to pass a special act dispensing with the customary formalities of holding the polls; and

Special
election law

1786

there were some elections held under this act. However, all measures to induce the people to abandon the new government were without avail, and North Carolina's authority being no longer recognized, a period of three years, subsequent to 1784, was afterwards known as the interregnum.

The North Carolina Assembly

S. R., XXIV,
747

The Assembly was progressive. Acts were passed regulating commerce and insuring the merchantable character of products intended for export; for enlarging the jurisdiction of the county courts, and securing to an author a copyright of any book, map or chart he should prepare and publish, to last for a period of fourteen years. The Dobbs Academy was incorporated for Kinston, and one called The Grove, afterwards attaining much celebrity, in Duplin, and Edenton was authorized to donate six acres of the town common to the Smith Academy. The schools already established were apparently efficient and effective. Of that at Hillsboro, originally chartered as Science Hall, Hooper wrote: "We had an annual commencement or examination. The boys exceeded our most earnest expectations. They were examined in Latin, English, natural philosophy, geography, geometry and Euclid; some spoke a little in Latin and English."

Life of
Iredell, 142

The administration of the courts had not given satisfaction. The judges had fallen into a habit of having long discussions, without deciding cases, and the dockets were crowded. In July, 1785, Hooper wrote to Iredell: "Our court at Wilmington went on in the old dilatory mode of doing business. Great threats of dispatch, accomplished in the usual way. Much conversation from Germanicus (Spencer) on the bench; his vanity has become insufferable. and is accompanied by the most overbearing insolence. Maclaine and he had a terrible fracas. The courts must be altered. Against the present system the cries of the people are loud; they must be heard. But what affects me most,

the censure is pointed at the bar, when the occasion is seated much higher." At the following session of the Assembly John Hay introduced a bill to establish a court of appeals. Powerfully urged by the bar, it passed the House, but failed in the Senate. The prime purpose was to remove the judges, and the failure of the measure was the defeat of the lawyers. Their efforts to establish a new system had come to grief. They also met with a severe reverse in their purpose in respect to the Tories. The new Assembly reëlected Caswell and was surrounded by the same influence as the previous one. The Loyalists had not grown in favor, and the sentiment of the country found expression in new legislation adverse to their interests. Once more it was enacted that no one who had ever given aid or countenance to the British should hold any office in the State; and because some of the returned Tories were seeking to regain possession of their property under the provision of the Treaty of Peace, the Assembly, to put an end to such proceedings, ratified all sales made by the commissioners of confiscated property and declared that the sales passed title to the purchasers, and that the purchasers should not be liable to answer any suit instituted to recover the property; and the more certainly to effect the purpose, it directed the courts to dismiss any such suits that might be brought.

1786

S. R., XXIV,
730

The last ray of hope that buoyed the expectant Loyalists seemed to be extinguished; and, moreover, this sweeping legislation aroused the indignation of the lawyers who were interested in this class of profitable litigation, and, also of those conservative public men who desired to see the Treaty carried into effect and its obligations honorably observed. Iredell hotly declared: "No consideration shall induce me, directly or indirectly, to support, countenance or have act or part in carrying so infamous a law into execution." Mac-laine was full of ire: "The Assembly and the judges have indeed found an easy way to avoid the Treaty. The for-

Life of
Iredell, 133

1786

Life of
Iredell, 137

mer refuse to point out any method to ascertain what is confiscated; and the judges refuse to let any person, whose property may be taken by a rapacious commissioner, maintain a suit, so that we seem to be at the mercy of a set of needy adventurers, whose interest it is to pillage us." This adverse criticism of the commissioners was not, however, founded in rancorous partisanship, for they were men who had served with honorable distinction in the field during the war, making every sacrifice that patriotism had demanded, and had given to the world sufficient evidence that they were not actuated by a spirit of rapacity. However, a constitutional question was involved in the new legislation that at first escaped the attention of the lawyers: had the Legislature, under the Constitution, power to direct the judicial department of the government to dismiss actions regularly instituted? In England the power of Parliament was supreme, so supreme that some one had wittily remarked that its only limitation was that it could not make a woman to be a man. In the new state governments written constitutions had replaced the unwritten constitution of Great Britain; and these instruments were the charts of government. The judicial department was separate and distinct from the legislative, and independent of it. At the first court held after the passage of this act, in May, 1786, at New Bern, a motion was made to dismiss such a suit, agreeably to the act. The judges did not assent. They took an advisari and recommended to the parties to settle their differences out of court. At once the subject came under public discussion. The judges were severely arraigned, even by some of the bar, whose hostility was deep seated.

S. R.,
XVIII, 138

1786

Ibid., 139

During the December term, 1785, at Wilmington, two Tories, Francis Brice and Dr. Daniel McNeil, of Bladen, who had fled the State under charge of treason, because of acts committed during the war, returned and "paraded the

streets with an insolent bearing." Out of respect for the court, then in session, the inhabitants forbore the personal chastisement which such conduct invited. The presence and bearing of these men, and the repressed indignation of the people, being brought to the attention of the court by General Brown and Colonel Robeson, the court directed the grand jury that, although there was no statute on the subject, no sovereign state was without power to prevent it from receiving injury; that the return of these men was in itself a misdemeanor, and that the court would determine whether the act was criminal; that if it appeared to them that the allegations were true, they could find a true bill. Indictments were found; the parties were tried and convicted, and the court imposed a small fine on both, and directed that they should enter into bond to depart the State within sixty days. The banishment of these Tories greatly inflamed the lawyers who were caring for the interests of the Loyalists.

1785

S. R., XVII,
234

Constant were the collisions between the bench and some of the bar, whose bearing towards the court greatly exasperated the judges. In the course of one of these incidents, Judge Ashe, on the bench, told John Hay that his insolence to Judge Sitgreaves, in the court of admiralty, deserved to be answered with a cane. Hay was, in particular, a leading agitator, publishing articles with a view of bringing the judges into disrepute and covering them with ridicule.

Life of
Iredell, 89,
143

Robbery of the State

As great as was the commotion that attended these proceedings, there was another subject that agitated the State even still more. Early in 1785 a board composed of Benjamin McCulloh, John Macon and Henry Montfort, men of high social standing and strong connections, was appointed to liquidate army accounts. Certificates were to be given by officers to those who had rendered service, which, when

1786

approved by this board, would be paid by the State Treasurer. It came to be rumored that in many instances, certificates were given in blank; that in some cases no services whatever had been performed, and, in others, forgery had been resorted to. It was alleged that the officers shared in the spoils; and it was thought that some of the board were involved in the conspiracy to defraud the State. Soon the entire State resounded with clamor, raised by rumors, trumpeted by a thousand tongues, of widespread fraud and conspiracy to pillage the treasury. Governor Caswell, after consulting with the Council, directed the treasurer to pay no more claims until the Assembly should meet. Hunt, however, did not obey; and the clamor grew in volume and the public indignation was unbounded.

Commerce claims attention

1786

Another subject of general concern also engaged public attention. The powers of the Confederacy were found by experience to be inadequate to accomplish the purposes of the Union and the regulation of commerce by the individual states led to controversies. The necessity of a change was fully realized. In February, 1786, Virginia, pressed by questions arising from commerce on the Chesapeake by four different states, moved the waters by adopting resolutions inviting the states to appoint deputies to attend at Annapolis in September and consider amendments to the Articles of Confederation relating to commerce. On receiving this invitation, Governor Caswell, in July, 1786, called his Council together and appointed Abner Nash, Alfred Moore, Hugh Williamson, John Gray Blount and Philemon Hawkins to represent North Carolina in the Conference. Williamson alone attended; and on arriving he found that some of the commissioners from other states had met and, without waiting, had joined in a recommendation that there should be a convention of all the states to consider other

S. R.,
XVIII, 681

subjects besides that of commerce; and, having agreed on that course, the Conference had adjourned. Affairs relating to the Union were thus also in the public mind. Nov. 1786

The Assembly convenes

The Assembly was to meet at Fayetteville, and there was great bustle preparing for the event. Already that town was spoken of as the capital. It was at the head of water transportation, and was the chief mart of the interior of the State. From there highways branched out in all directions, and its importance was year by year becoming more considerable. Hopes of future splendor augmented the zeal of the patriotic and hospitable citizens in providing suitable accommodations for the crowd of notables who were to be their guests during that eventful season. The time was big with events, and the public mind in a state of prodigious excitement on subjects appealing to the prejudices of men and swaying the passions rather than their reason. Men of high position, even the State Treasurer, were accused of looting the treasury; there was a clamor against the judges, demanding their impeachment; the western counties were in flagrant revolt, and, further, were in peril of an Indian war; the Treaty had not yet been given effect; the union of the states was in jeopardy, being held but by a rope of sand, and there was a pressing demand for an enlargement of the powers of the Continental Congress. Such were the larger matters that were engaging public attention when the Assembly met on November 18, 1786, the most exciting by far being the alleged conspiracy to defraud the State. The excitement

Caswell, eminently a practical man, now gave evidence of his efficiency; while James Coor and John B. Ashe, both solid and capable, were, as speakers of the two houses, measurably directors of events. On the floors were Davie, Hooper, Rutherford, Maclaine, Spaight, Cabarrus, Blount, Battle, Stokes and others of large experience and approved

1786

S. R.,
XVIII, 233

wisdom; and Alfred Moore, the learned and admirable Attorney-General, was directed to attend that the Assembly might have the benefit of his advice.

The prisoners of state

Ibid., 251

The Governor hastened to detail the circumstances connected with the fraudulent accounts, and added that "Il-liberal suggestions had been thrown out against several of your principal officers." The subject was at once taken up and pressed with vigor. An order was passed directing the Governor to arrest twenty-three persons whose names were specified, while twenty-eight others were named as witnesses. The accused were to be held in confinement, as "prisoners of state." Caswell lost no time in obeying. His measures were so prompt and efficient that the Assembly, in token of its enthusiastic approbation, declared by resolution that it entertained "the highest sense of the upright, spirited and vigorous exertions of His Excellency."

Ibid., 303

A grand committee was raised to make an inquisition and to examine the prisoners. On December 9 the houses met in joint session, with Elisha Battle in the chair, to hear the report. The report was signed by the full committee, among others, General Rutherford, General Gregory and Col. William Polk. It was full, explicit, and had the clear ring of investigation. Henry Montfort, a member of the House, was implicated, and was given a day to exonerate himself; but his explanations were so unsatisfactory that he was ignominiously expelled. The Treasurer, Memican Hunt, was also required to appear before the houses, and was heard in his defense. His term was about to expire; and John Haywood was elected in his place.

For the trial of the parties implicated, still held as "state prisoners," a bill was passed ordering a special term of court to be held at Warrenton on the last Monday in January.

The judges impeached

While these proceedings were being taken against the conspirators to pillage the treasury, John Hay, hoping to remove the judges from the bench, took advantage of the commotion and introduced resolutions of impeachment against them. The House notified the judges in order that they might attend. Williams and Spencer hastened to Fayetteville, but Ashe, saying that he had "clean hands and a pure heart" and would disregard the clamor, remained at home. He, however, addressed a letter to the House explaining the various matters alleged against the court as far as he was informed of the charges. He detailed the circumstances of the case of Brice and McNeil and continued: "This is the foundation of that charge against the judges, and I suppose the charge is considered a mighty achievement, a matter of great exultation and triumph, that the champion dare stand forth and in the face of the Legislature accuse the judicial power of the State for presuming to molest those respectable personages." One of the charges was that the court had suspended an act of the Assembly, inasmuch as it had not dismissed the case at New Bern. With reference to that he observed: "If my opinion of our Constitution is an error, I feel it is an incurable one, for I had the honor to assist in the forming it, and confess I so designed it, and I believe every other gentleman concerned did also." The delay in the trial of cases he laid largely at the door of the lawyers.

1786

Life of
Iredell, 155S. R.,
XVIII, 189

Ashe's letter

Ibid.

The several matters alleged against the court were referred to a committee of lawyers "to investigate the administration of justice"; and their report being ready, at the request of the two judges in attendance, on January 1 the houses met in conference. The two speakers in their gowns took the chairs, and a committee was sent to escort the judges to the chamber. Maclaine, the chairman of the committee, read its report as to the facts. The houses then

Jan. 1787

S. R.,
XVIII, 421,
425, 428

Ibid., 213

Ibid., 477

The judges
thankedS. R.,
XVIII, 399Life of
Iredell, 133

resolved themselves into a committee of the whole, the Speaker surrendering the chair to Richard Dobbs Spaight, and the judges were heard in explanation. All matters against the court were in committee of the whole resolved in favor of the judges. The next day the report of the committee of the whole was made to the House of Commons, and was approved by a vote of 49 to 22. It was then sent to the Senate and was concurred in by the Senate. Four days later a resolution was introduced in the Senate thanking the judges for their good conduct. The lawyers protested. They urged particularly that there should be added to the resolution a paragraph declaring that "banishment is a punishment unknown to the laws of the State"; but their vigorous protests only served to strengthen the purpose of the majority. The resolutions, as adopted, thanked "the judges for their good conduct during the whole period of their service on the bench, and particularly in the matters for which they were charged in the present Assembly." The resentment against the Tories was still hot; and it was a sustaining power for the court, although the temper of the House was so far modified that in that body a bill was passed declaring the Treaty the law of the land. While the lawyers could not approve of the court's action, they did not sympathize wholly with Hay. At the close of the session Hooper wrote: "This ridiculous pursuit of Hay's ended as we expected. It was conceived in spleen, and conducted in such headstrong passion, that after the charges were made evidence was wanting to support them." But the controversy between the bar and the bench did not subside. Judge Ashe's references to the delinquencies of the bar led to a grave reply in the newspapers by Iredell, Johnston, Davie, Hooper and others. To this he made answer stoutly maintaining his former criticism, and saying that if the lawyers thought proper to withdraw their friendship "I should have no objection, for that I was independent in principle, in person and in purse, and should neither

court their love nor fear their enmity." For years the hostility continued, the lawyers strenuously endeavoring to write the judges off the bench.

Life of
Iredell, 601

The court holds an act of Assembly void

Soon after this trial, at the May term of the court, the motion to dismiss the case at New Bern, *Bayard v. Singleton*, was decided by the judges, and denied, Judge Ashe saying: "As God said to the waters, so far and no further; so said the people to the Legislature by the adoption of the Constitution." It was thus determined by the court that the judicial power was independent of the legislative power. In the interval between the terms, the court in Rhode Island had made a similar declaration; but the refusal of the judges at May term, 1786, to obey the Act of Assembly was the first announcement of the principle involved by any court in any of the states. The action was widely discussed, but eventually was accepted by the people as the correct interpretation of the Constitution.

1787

Moore v.
Bradley,
2 Hay.
Reports

Animated by patriotic sentiments the Assembly approved the course of Governor Caswell in appointing representatives to the Annapolis Conference. The necessity of enlarging the powers of Congress was recognized, and in an act reciting that "this State has ever been desirous to act upon the enlarged system of the general good of the United States, without bounding its views to the narrow and selfish object of partial convenience," the Assembly appointed five commissioners to attend the convention at Philadelphia and "to decide on the most effectual means to remove the defects of the Federal system, reporting such an act to the General Assembly as will effectually remedy the defects." To discharge this important duty, Governor Caswell, Alexander Martin, Davie, Spaight and Willie Jones were chosen; and, should any vacancies occur, the Governor was authorized to fill them. Of these, Martin, Davie and Spaight were

The Phila-
delphia
Convention

S. R., XXIV,
791

favorable to some changes in the Articles of Confederation, as also was Caswell. Willie Jones may not have been.

Franklin still held

1786

S. R.,
XVIII, 86

Representations were made in behalf of the State of Franklin and were patiently heard. But the Assembly was not of a mind to allow the western counties to separate themselves under the existing conditions. On December 14, 1786, Elisha Battle, always moderate but firm, as chairman of a select committee, made a report to the Senate denying immediate separation, but promising it when the wealth and number of the inhabitants should justify it. In the meantime no taxes were to be collected for the period of the interregnum since 1784; and oblivion and pardon were offered, embracing all persons, and every kind of offense against the government; and the civil and military officers in office in 1784 were continued and confirmed in their respective offices. To give further relief from some inconveniences, Sullivan was divided and the county of Hawkins was created.

S. R., XXIV,
820

Ibid., 783

Farther to the west, on Cumberland River, Davidson County was likewise divided and Sumner County erected; and, the Indians being hostile, a military force of three companies was ordered to be raised for the protection of the inhabitants of that region; but as a preliminary the commanding officer was to open a good road from Clinch Mountain on the Watauga to Nashville, for as yet no wheeled vehicle had passed into the wilderness, all provisions being transported on pack horses.

Slaves not to be imported from certain states

Ibid., 802

Some notable changes were inaugurated in State polity. It was ordered that land should be taxed by the hundred acres, instead of at its value; the jurisdiction of magistrates was enlarged; and the Assembly, resolving that the importation of slaves "is productive of evil consequences

and highly impolitic," laid a tax on their importation, and directed that all slaves brought into the State from any state that had passed an act to liberate slaves were to be returned to such state under heavy penalty. At that period there was some importation of slaves from foreign parts, but the number was very limited. 1786

S. R., XXIV,
794

At the previous session a census of the population had been ordered, and the report was now laid before the Assembly. The enumeration had been imperfectly made, but it indicated a population in eighteen counties of 105,213. It showed a more considerable population in the counties bordering on Virginia than elsewhere, the results being similar to the subsequent census of 1790.

The census

Delegates in Congress

The Continental Congress was then holding its sessions at New York; but the North Carolina delegates were not in attendance, and for months the State was not represented. The delegates elected for the year 1786 were Nash, Blount, Burton, Charles Johnson, Timothy Bloodworth and Nathaniel Macon. Macon, however, resigned without attending the Congress at all. The expense was so burdensome that the position, while one of honor, was undesirable, and Macon declined because the provision for his support was inadequate. Bloodworth tried to sustain himself by a shipment of tar to New York, but losing money by the venture, also resigned. Nash died at his post, and Charles Johnson resigned. Cummings and White, Benjamin Hawkins and John B. Ashe were chosen to fill the vacancies. They sought to so arrange it that one or more should be in attendance until relieved, for none could long stand the expense. On January 7, 1787, the Assembly brought to a close this session which, in many respects, was marked by more excitement than any other of that period.

S. R., XX,
605

1787
~**The state trial**

Two weeks after the Assembly rose the court met at Warrenton to try the "state prisoners," chief among whom were McCulloh and Montford, while the many persons implicated touched society in almost every part of the State. The profound interest of the public, the gravity of the accusations, and the anxiety of the friends of the accused, invested the trial with an importance never before equaled in North Carolina. Alfred Moore, the Attorney-General, prosecuted; Iredell and Davie defended; and the surrounding circumstances stimulated the counsel to the most brilliant display of forensic eloquence. Describing two of these rivals for fame, Murphey has said: "Moore was a small man, neat in his dress and graceful in his manners; his voice was clear and sonorous; his perceptions quick; his judgment almost intuitive; his style was chaste and his manner of speaking animated—He spoke with ease and with force, enlivened his discourses with flashes of wit, and, when the subject required it, with all the bitterness of sarcasm. . . . Davie was a tall, elegant man in his person, graceful and commanding in his manners; his voice was mellow and adapted to every passion; his mind comprehensive, yet slow in its operations when compared with his great rival. His style was magnificent and flowing; and he had a greatness of manner in public speaking which suited his style and gave to his speeches an imposing effect. While Davie ranked as one of the first orators Moore was held one of the first advocates of America." All of these contestants were well trained in every art of legal warfare. In the management of the defense Iredell, superior to either Davie or Moore in many respects, performed his part with credit and renown. Every year of his life he attained a higher eminence in his profession, and at length, differing with his associates on the Supreme Court bench, his views were engrafted into the Constitu-

Murphey's
Address,
1827

tion of the United States, an enduring monument. Hundreds of persons were in attendance at the trial and all eyes were fixed on the great drama being enacted at Warrenton.

For nearly a month the court was in session. Henry Montford was acquitted, but Benjamin McCulloch, John Sheppard, John McNeer, John Price, William Faircloth, Thomas Butcher, James Holmes, McCarthy, Mann, Phillips and several others were convicted. A fine sufficed as punishment for all but McCulloch and Sheppard. The former in addition to a fine of 4,000 pounds, was sentenced to be confined in Warrenton jail for twelve months; but at the end of eleven months because of his ill health, he was allowed his liberty. It was, however, said that he was a victim to the indignation and resentment of the people, and that he was charged beyond his real offense. His brother-in-law, John Stokes, wrote: "I wish I was ignorant of it. I think of it by day; it is represented to me in my dreams, which are wont to make it nothing but a phantom. The blushing morn establishes the reality and renews my grief."

Life of
Iredell, 157

CHAPTER IV

THE STATE OF FRANKLIN

Caswell's policy with respect to the Franks.—Sevier and Shelby make an agreement.—The Franklin Assembly repudiates the action, and proposes to suppress all North Carolina authority.—Caswell urges moderation.—Indian war on the frontier.—Major Evans's expedition to the Cumberland. The disintegration of Franklin begins.—Representatives elected to North Carolina Assembly.—The clashing in Washington County.—Sevier engages in war with the Creeks.—The last Assembly of the fading State.—Delegates chosen on behalf of Franklin.—The Assembly meets at Tarborough.—The act of pardon extended.—The policy of conciliation bears fruit.—The seizure of Sevier's negroes by local officers.—He attempts their rescue.—Tipton defies him.—His embarrassment.—Maxwell's militia arrives.—The collision.—The Franks retire.—Sevier to the frontier.—General Martin secures submission.—Sevier invades Indian territory.—Governor Johnston suggests arrest of Sevier.—Judge Spencer issues the warrant. He is arrested.—Is conveyed to Morganton.—Escapes.—The act of pardon again extended.—Sevier declared ineligible to office, but otherwise pardoned.—The Convention at Greenville.—Sevier elected to North Carolina Assembly August, 1789.—His disability removed.—He takes his seat.—The end of Franklin.

1787
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S. R., XXII,  
674

Ibid., 677

Hardly had the spectacular trial of the state prisoners closed at Warrenton before conditions at the west, becoming more acute, claimed Governor Caswell's anxious attention. Clashing between the two courts and the county officers was inevitable. To avert trouble, in March General Evan Shelby, acting in behalf of those adhering to North Carolina, and Governor Sevier entered into an agreement that while the respective courts might try criminal cases they should not proceed to any civil business except to prove wills and deeds, and that the inhabitants might pay their taxes either to North Carolina or to the State of Franklin as they might select; and further, that the sheriffs and jailers under the Franklin government should receive felons committed by North Carolina courts. This agreement, tolerating North Carolina authority, was, however, immediately repudiated by the Franklin Legislature, then in session. That body,

rejecting every purpose of temporizing, acted with vigor and vehemence. It passed an act punishing with fine and imprisonment any person who should act as a magistrate, or in any other civil capacity, under the authority of North Carolina, and it directed the Governor to raise the militia and oppose by force the operation of any North Carolina law, authorizing a bounty of 400 acres of land to those who would enlist; and, to draw the wavering to their side, a land office was opened where grants were to be obtained on very easy terms. Sevier's attitude, which had been moderate, now was completely changed. He wrote to Caswell: "We shall continue to act independent and would rather suffer death, in all its various and frightful shapes, than conform to anything that is disgraceful." The purpose to maintain independence was fixed and strong, while those who adhered to North Carolina were equally resolute and determined. The division between the two parties among the inhabitants was clearly drawn, and the circumstances of every day intensified the estrangement. Toleration gave way to bitterness. In May the situation was so acute that General Shelby notified Caswell that hostilities were about to begin, and unless the government interfered, bloodshed would at once take place. It was no part of Caswell's policy to precipitate a situation where he would have to subjugate the inhabitants, although in revolt. He hastened to urge the officers holding North Carolina commissions to use the utmost moderation. To dampen their ardor and restrain their action, he declared that he could not send them any assistance, and he begged them not to engage in a civil war. His information was conflicting. David Campbell assured him that nineteen-twentieths of the inhabitants favored separation, while Thomas Hutchins reported that, although the people of Greene were much divided, in the other two counties two-thirds were willing to return to their allegiance. In the meantime the force, which the Assembly had directed to

1787

S. R., XXII,  
680

Ibid., 686



be raised to cut the road to Davidson, was being recruited; and Colonel James Martin, the Indian agent, went among the Indians to prevail on them to desist from hostilities. At length, towards the close of April, General Shelby called together Tipton, Maxwell and Hutchins, the colonels of the three counties, and they united in urging that the only hope of averting bloodshed was for North Carolina to send from Burke a thousand men to uphold her authority. Intent on the supremacy of their faction and on the suppression of their opponents, they sought to strengthen their cause by a display of force that would deter the Franks from persisting in their defiance. But it must not be forgotten that they held commissions from the State charging them with the duty of upholding and maintaining her supremacy. Caswell, however, relied on gentler means of persuasion and hoped for the healing influence of time. In the meanwhile, farther in the interior the savages were murdering the settlers. The Mississippi was claimed by the Spaniards, who, from their stronghold at Mobile, had free communication with the tribes in the interior; while the Frenchmen on the upper Mississippi had trade relations with the Indians, which bred a jealousy of the encroaching pioneers. The savages were thus influenced to continue warfare. In June, from the Cumberland came a cry for immediate help. Anthony Bledsoe wrote: "Nothing but the distress of a bleeding country could induce me to trouble you on so disagreeable a subject—Enclosed you have a list of the killed in this quarter since our departure from this country to the Assembly. This, with the numbers wounded, with the large numbers of horses stolen from the inhabitants, has in a degree, flagged the spirits of the people." And the next month, James Robertson advised Governor Caswell that there had been a hot war with the Chickamauga Indians; that he had raised 130 men and gone to the front, where he found that the Indians had been joined by French-

Caswell's  
moderation

S. R., XX,  
277

Ibid., 731



men from Detroit who were inflaming them to hostility. In one of the encounters, three Frenchmen and a French woman had been killed. He urged the Governor to hurry on the force the Assembly had ordered for their protection. The commander of that detachment, Major Thomas Evans, had met with such obstacles that the middle of August found him still east of the Blue Ridge, and Caswell indignantly ordered him to proceed, not delaying to open the road to Nashville but pressing on to the relief of the people. Evans, however, could not scale the Alleghany Mountains. Diverted from the direct course, he passed through Cumberland Gap and made his way into Kentucky, his men cheerfully enduring their march through the wilderness where no supplies could be obtained. In Kentucky he could purchase no provisions either on public or private credit, and was driven to furlough his men until by their labor they could procure sufficient food to last them to Nashville. At length, in the middle of October he reached Davidson County after a toilsome journey of 400 miles. There he found the inhabitants were being daily murdered, and he hurried advices home that he himself was hourly expecting attack.

1787

Indian war

S. R., XX,  
786

While such was the critical condition on the Cumberland, on the Watauga influences were silently at work undermining the foundations of the new State. The moderation and firmness of the North Carolina Assembly, its tender of oblivion and remission of taxes, together with the hope held out of eventual consent to the separation, had a softening influence on the public mind. But for a period there was so much bitterness, and the current was so strong for separation that General Shelby himself yielded to it, resigned his commission as brigadier, retired from the service of North Carolina, and recommended to Governor Caswell that separation should be conceded. Yet notwithstanding his defection, and despite the strenuous efforts of Sevier to sustain his government, the enthusiasm that had at-

The end  
approaches

Aug. 1787

The election

S. R., XX,  
120, 302Local  
friction

tended the first movements for independence gradually disappeared. When the August elections came on, only two counties failed to elect representatives to the North Carolina Assembly. In Greene, David Campbell, the presiding judge of Franklin State, and in Washington, where the Sevier party had been strong, Colonel Tipton were elected to the Senate. Sullivan elected General Joseph Martin, and Hawkins sent to the House of Commons Henderson and Marshall; all of whom and their colleagues had at one time been adherents of the new State. Only Sevier and Caswell counties, well on the frontier—where land had been occupied contrary to the North Carolina laws, stood faithful. The former lay between the Little Tennessee and the French Broad, within the Indian reservation, where more than 1,000 families had located, and the latter in the forks of the French Broad and Holston. Still there were many who yet adhered to Franklin; and in all the counties conflicts were continually arising between the courts held under the authority of the two different states. In Washington County particularly these clashings reached a great height, being colored by personal enmity as well as political antagonism. In that county resided both Governor Sevier and Col. John Tipton, neighbors and once friends; but when on the repeal of the Act of Cession Colonel Tipton abandoned the new government which he had aided to frame and renewed his allegiance to North Carolina withdrawing his support from Governor Sevier, a bitter personal feud sprang up between them. And this was intensified by the circumstance that while Colonel Tipton was the clerk of the North Carolina county court, James Sevier a son of the Governor, became clerk of the Franklin court, and each dominated the justices and officers of their respective courts. In August, 1787, Colonel Tipton, at the head of some fifty men, undertook to take the records of the Franklin court, and quickly two hundred of the Franks embodied to oppose him. A rumor was that their purpose was to



seize Governor Sevier, and fifteen hundred of his followers rushed to protect him. The error, however, was made known, and no blood was shed; but there were personal encounters between Tipton and the Seviers. Sept. 1787

About that time Governor Sevier, seeing that the tide was turning against the continuance of his government, determined on strengthening his cause with the people by prosecuting an Indian war. Far to the south the Creeks were giving trouble, and Governor Sevier entered into arrangements with the Governor of Georgia for their conquest. In September, with some difficulty, a quorum of the Franklin Assembly met at Greenville, but confidence in the new State had ebbed so fast that Sevier was able to secure the passage of an act providing the means for carrying on the projected war only by a compromise. He agreed that two delegates might be chosen to attend the North Carolina Assembly and make such representations as they should think proper. Judge Campbell and Landon Carter were elected delegates for this purpose, the former having been already chosen to represent Greene County in the North Carolina Assembly. This action indicated that the last stage was being reached in the existence of the new State. Gradually the commonwealth of Franklin was passing away. Hardly had its Assembly adjourned, and it was the last Assembly of Franklin that met, before Governor Sevier began to prepare for his campaign. In the great bend of the Tennessee, in the Creek country, lay some very desirable land, and it was arranged that this should be reserved for the Franklin volunteers. On November 28 Governor Sevier announced that every private should have 640 acres in the great bend, and officers in proportion; and the work of enlistment went briskly on. Ramsay :  
Hist. of  
Franklin,  
402

Sevier's  
action

Ibid., 389

#### The North Carolina Assembly

The General Assembly met at Tarboro on November 19, and both the representatives elected by the counties beyond 1787



Sept. 1787    the mountains, and the delegates chosen by the Legislature of Franklin, attended the session. The former were admitted to seats, and the latter given a respectful hearing when they urged the continued desire of the people for separation. The Assembly, however, held steadfast to its purpose.

S. R., XX,  
120    James Martin was appointed brigadier of the district, and a special committee was directed to report measures to quiet the disorders in the western counties. They advised a further extension of the act of pardon, and that all suits for nonpayment of taxes should be discontinued; and these measures were adopted. The policy of moderation and conciliation was bearing its fruits and North Carolina was supplanting the State of Franklin whose Legislature had ceased to exist, whose judicial officers were no longer acting, and whose executive after March would have no claim for the exercise of authority. Governor Sevier's term was to end on March 3, and no successor had been chosen; and, there being no Assembly, none could be chosen. The State of Franklin was about to expire by a natural dissolution, and without any great convulsion or bloodshed. But now an incident occurred attended by unfortunate consequences.

Ibid., 225

Ibid., 235

Sevier  
insulted

During the fall of 1787 a judgment having been obtained against Governor Sevier in one of the North Carolina courts, an execution against his property was put in the hands of the sheriff. The levy was made on some of his negroes on his plantation, and for fear of interference, the sheriff removed the negroes to the premises of Colonel Tipton for safe keeping. It was a great error in judgment and an improper exercise of power. Necessarily it inflamed Governor Sevier and was a personal affront that he would not brook. Had no such incident occurred the State of Franklin would probably have faded away, leaving, doubtless, a memory of disappointment but without pangs of bitterness. At the moment, Sevier was in Greene County collecting volunteers for the expedition against the Creeks.

On learning of this seizure of his property and the removal of his negroes to the premises of Colonel Tipton, he dispatched a messenger to Caswell County, February 15, saying that the Tipton party had got very insolent and that he had ordered fifteen men out of every company to turn out. He was "satisfied that a small exertion will settle the matter to our satisfaction." Tipton, on being informed of Sevier's action, wrote on February 25: "The rebels are again rising. Sevier is now making his last effort. This day they are to meet at Greene. Tomorrow at Jonesboro, and Wednesday, if not before, they push here." And he called for aid. A few friends reached him in time. But soon the Governor with 150 men and a small cannon appeared on the scene and demanded an unconditional surrender. Tipton valiantly defied him. Truly Sevier's situation was embarrassing. He had no desire for bloodshed. His commission as Governor was to expire within three days, and his State had virtually ceased to exist. Stigmatized as a rebel by the Carolina officers, he doubtless comprehended that to use military force against the Carolina authorities placed in jeopardy the lives of himself and his followers. It was levying war and high treason. For nearly four years two conflicting governments had been carried on in that wilderness; and despite personal enmities, despite the clashing of the courts and the antagonistic authority of the militia officers, there had been no serious collision. This of itself is high evidence of the wisdom, courage and moderation of Sevier, as well as of the forbearance of the inhabitants generally. Now circumstances springing from his personal affairs brought the Governor face to face with an emergency threatening bloodshed. He had probably hoped to redress his wrongs by a show of superior strength; but a hard fate had brought him into a position from which he could not retreat with credit, nor proceed without hazarding consequences for which he had no heart. He became a prey to conflicting emotions—

Feb. 1788

Sevier arms

His  
situation



sad and dejected. There was no assault made on the house; but some firing took place, not in Sevier's presence. Those passing into Tipton's premises were fired on, and one or two killed and wounded, but there was no engagement. At length, in the early morning of February 29, Colonel Maxwell, of Sullivan County, to whom Tipton had appealed for aid, approached with his militia. He had made a night march. The weather was very cold, and there was a blinding snow storm. As he neared the scene about sunrise, Maxwell saw Sevier's men advancing and a collision occurred. Maxwell's militia discharged a volley and raised a great shout, which led Tipton to sally out, taking Sevier's party in the rear or flank. As it probably had never been Sevier's purpose to engage in battle, he and his men quickly dispersed, followed, but not aggressively, by the militia. On March 3 Sevier sent a verbal message that if his life was spared, he would submit to North Carolina. Tipton, in reply, offered to cease hostilities, giving Sevier and his party until the 11th to submit to the laws. The council of the Franklin State replied that they would be obedient to the laws of the Union, and they wished a convention of the people called at once. As for Governor Sevier, they stipulated that he should be left at liberty to act for himself; and he, with some anxiety, required a plain understanding as to what he could depend on. Ten days later Gen. Joseph Martin, the brigadier of the district, appealed to General Kennedy to bring about a reconciliation. He declared that he would be sorry to imbrue his hands in the blood of his countrymen, but "nothing will do but a submission to the laws of North Carolina." This is the only way, he urged, that would relieve Governor Sevier from a very disagreeable situation. He offered Kennedy a commission under North Carolina, and urged him to prepare for action, as a general Indian war was expected. Martin's conciliatory steps and firm action had a very sal-



utary effect. All opposition ceased. Every trace of the State of Franklin disappeared. July 1788

In the meantime Sevier, no longer governor, left Washington County and took shelter in the distant settlements. A period of repose now set in; but in June Sevier, having gathered some forty bold and daring men, fell on the Hiwassees and killed twenty of them, following this with another raid and bringing in fourteen scalps; and then, in July, he made a third invasion of the Indian country which precipitated an Indian war.

Notwithstanding that the State of Franklin had fallen, Sevier and his friends indulged a hope that the State Convention, which was to meet at Hillsboro in July to consider the proposed Federal Constitution might cede the western territory, or otherwise provide for a separation, but that body adjourned without action favorable to their desires. On the other hand Governor Johnston, because of advices from General Martin, called his Council to meet at Hillsboro in July; and, on receiving information of Sevier's battle with Maxwell, while the Convention was still in session, he wrote to Judge Campbell: "It has been represented to the Executive that John Sevier, who styles himself Captain General of the State of Franklin, has been guilty of high treason in levying troops to oppose the laws and government of this State, and has with an armed force put to death several good citizens. If these facts shall appear to you by the affidavit of credible persons, you will issue your warrant to apprehend him." Judge Campbell, however, took no action. Later, Judge Samuel Spencer crossed the mountains to hold court at Jonesboro, and he issued a warrant for the arrest of Sevier. On the evening of October 9 Sevier with a number of men had a violent altercation with one Deadricks in Washington County, and Colonel Tipton, armed with the bench warrant and doubtless feeling that his hour of triumph had arrived, hastened in pursuit with a body of horsemen. At early dawn the

Franklin  
passes away

Judge  
Spencer's  
warrant

posse surrounded the premises of widow Brown, where Sevier lodged that night, and at sunrise the arrest was made.

Sevier taken Sevier was taken to Jonesboro, and then was conveyed to Morganton for trial. It is said that he was treated with great discourtesy and malevolence, and for a time was subjected to the indignity of being handcuffed; but the details are obscure, and the circumstances were such as to require unusual care on the part of those charged with his safekeeping. In a letter to the General Assembly he alleged that he "was treated with wanton cruelty and savage insult," and he complained of being "borne off out of the district" for trial. Arrived at Morganton he was released on parole to visit a brother-in-law in the vicinity. The court being convened, he attended agreeably to his parole. In the meantime, two sons and other friends had followed to rescue him. "At night, when the court broke, and the people dispersed, they with the Governor pushed forward towards the mountains with the greatest rapidity and, before morning, arrived at them, and were beyond the reach of any who might think proper to pursue." Apparently no further effort was made to capture him. At the November session of the Assembly the act of pardon and oblivion was again passed, but it was provided that Sevier was so far excepted that he should not be entitled to hold any office under the State.

He escapes

Nov. 1788

S. R., XXIV,  
955

Congress and the states of Georgia and North Carolina had taken measures with the view of quieting the hostility of the Indians; and on a conference they agreed to peace. But shortly afterwards Sevier with a party of men went into one of their towns, all the braves being off on a hunt, and brought away twenty-nine women and children; and the people on the frontier realized the necessity of protecting themselves.

S. R., XXI,  
523

On the 12th of January, 1789, at a convention held in Greene County it was resolved to petition North Carolina to divide the State and cede the territory west of the mountains



to Congress; and that John Sevier keep the command of the inhabitants. On being informed of these proceedings Governor Johnston wrote to Martin that "Sevier appears to be incorrigible and I fear we will have no peace in your quarter till he is proceeded against to the last extremity"; but he urged Martin to act with prudence and conciliation both in regard to the inhabitants and the Indians.

1789

S. R., XXI,  
722

Ibid., 537

At the August election, however, Sevier abandoned his opposition to the State of North Carolina. He was elected to the State Senate; and appeared along with the other members when in November the Assembly met at Fayetteville. His disabilities had not been removed; but during the session he filed a memorial. On November 30 a committee reported that when the people of the western counties first attempted to subvert the government, Sevier opposed them and prevented elections from being held in two of the counties, and that he was not as highly reprehensible as many others. A bill was therefore passed including him in the general pardon; and further it was declared that he still held the office of brigadier general under his original appointment in 1784. And thus the last vestige of the State of Franklin was by conciliation and moderation buried out of sight without any punishment of any person for the offense of insurrection.

Ibid., 616

Nov., 1789

Sevier  
pardoned



## CHAPTER V

### NEW GOVERNMENT PROPOSED

The Philadelphia Convention.—Virginia proposes a national government.—North Carolina delegates assent.—New Jersey seeks to amend the old Articles.—Hamilton's plan.—The deadlock.—North Carolina votes with the small states and secures state equality in the Senate.—Her delegates act with unanimity.—Caswell urges a national government.—Davie and Martin return home.—The word "National" freely used in rough draft.—By the vote of Massachusetts importation of slaves allowed until 1808.—On revision word "National" eliminated.—Advocates of the Constitution called Federalists.—The instrument signed.—The exposition given by Blount, Spaight and Williamson.—The important action of the North Carolina delegation.—The August elections.—The Federals successful.—The Assembly meets at Tarborough.—The Treaty of Peace declared the law of the land.—Iredell appointed to revise the laws.—The Legislature recommends the pardon of Bradley, and of those convicted of fraud against the State.—Convention called to consider proposed Constitution.—Raleigh Inlet.—Samuel Johnston elected Governor.—Atmore's visit.—Washington, Tarborough, New Bern.—The Assembly at Tarborough.—Willis.—Lumberton.—No mails.—Books.

#### **Framing the Constitution of the United States**

1787

S. R., XX,  
610

Ibid., 611

Ibid., 129

In February, Congress, responsive to the recommendation of the Annapolis Conference, adopted a resolution advising the states that it was expedient that a convention should be held at Philadelphia in May, for the sole and express purpose of revising the Articles of Confederation and reporting such alterations and provisions as should be adequate to the exigency of government and the preservation of the Union. As we have seen the North Carolina Assembly appointed delegates to attend the proposed convention. Willie Jones found that he could not attend at the time appointed, and he requested that some person "should be appointed in my place as a matter of so much importance must necessarily require the fullest representation." Nor could Caswell attend, because of ill health. To fill these vacancies the Governor and Council appointed Dr. Hugh Williamson and John Gray Blount, then a member of Con-

1787

gress. In May, Martin, Spaight, Davie and Williamson reached Philadelphia. There Blount joined them for a few days in June, but to make a quorum in Congress soon returned to New York. It was not until August that he took his seat permanently in the Convention. On May 25 delegates from seven states being in attendance, the Convention was organized. Virginia, the chief state of the Union, was the originator of the movement. Her son, Washington, presided over the body, and she presented the first series of resolves, outlining a new system of general government. The Convention was called by Congress for the purpose of amending the Articles of Confederation. Virginia, at the outset, proposed to overthrow the Confederacy and establish a national government. The Virginia resolutions provided for a national legislature with representation based on the number of free inhabitants, or on the contributions to the public treasury. The idea of state equality, the corner-stone of the Confederation, was entirely eliminated. The national legislature was to consist of two branches, the one chosen by the people of the several states, the other selected by that branch from persons nominated by the state legislatures. There was to be a national executive chosen by the national legislature. The powers of government were large and supreme. This plan, providing for a national government, was antagonized by those who sought to maintain a federative system, and there was a clash of opinions from the first. To test the sentiment of the body, Randolph of Virginia offered a resolution that "a national government ought to be established, consisting of a supreme legislative, judiciary and executive." The great states, Virginia, Massachusetts, Pennsylvania and the two Carolinas, voted affirmatively; as also did Delaware. They carried the measure. The Confederacy, with its state equality, was to be supplanted by a national system. That much was fixed at the outset.

Virginia's  
plan

Although, because the members were sworn to secrecy,



1787Life of  
Iredell, II,  
161

Davie could not divulge the proceedings of the Convention, he yet could ask advice, and on the introduction of the Virginia resolves, he wrote to Iredell: "Yesterday nine states were represented, and the great business of the meeting was brought forward by Virginia. . . . Be so good as to favor me by the next post with your opinion how far the introduction of judicial and executive powers, derived from Congress, would be politic or practicable in the states. And whether absolute or limited powers for the regulation, both as to exports or imports, would be best. I shall trouble you frequently, and I shall expect your opinion without reserve."

Hamilton's  
plan

Later came up the question of representation. North Carolina and the other large states voted for proportional representation in both of the branches of the legislature, and for a time it was so determined. But June 15, New Jersey offered a resolution that the Convention should merely amend the Articles of Confederation, enlarging its powers, providing for a President and Supreme Court, but leaving the Union as it was, a Federal Union, each state casting a single vote in Congress and with a negative on the proceedings. This was the signal for a heated contest in the midst of which Alexander Hamilton, against the wishes of the other delegates from New York, offered his plan of government. He proposed that the President should be chosen for life; that the Senators should also hold for life; that the governors of the states should be appointed by the general government and should have a negative on all laws passed by the state legislatures. In effect his proposition was to establish an elective limited monarchy, and to reduce the states to provinces. In the bitter debate that followed the small states were pressed to the wall, and with hot indignation they declared that if turned adrift by their larger sisters they would look to some foreign state to take them by the hand.



At length, July 2, there was a deadlock, and the Convention was about to end in failure when all matters at issue were referred to a grand committee of one from each state. Davie represented North Carolina on that committee. Concessions were made; and it was proposed that in the first branch representation should be according to population, while in the second branch the equality of the states was to be observed, but money bills were to originate only in the first branch. North Carolina now voted with the small states, giving them the majority, and by her action the deadlock was broken and state equality in the Senate was secured. Discomfited by this turn in affairs, Virginia and the other large states were much dissatisfied. This memorable vote by North Carolina turned the tide which had been surging so strongly towards the national system without any element of state equality, and the great states, defeated in their purposes, no longer insisted with vigor on a constitution deficient in safeguards for their weaker sisters.

1787

North  
Carolina's  
action

In determining the basis of representation, North Carolina declared that she would never confederate on any terms that did not rate the slaves as at least three-fifths for federal population; and Davie, who took high rank among the delegates, closed an impassioned speech: "If the eastern states, therefore, mean to exclude them altogether, the business is at an end."

Elliott:  
Debates, 303

It was while the proceedings were pregnant with this great matter that Williamson wrote: "The diverse and almost opposite interests that are to be reconciled occasion us to progress very slowly. I fear that Davie will be obliged to leave us before the business is finished, which will be a heavy stroke to the delegation." Martin wrote to Caswell that the North Carolina deputies were generally unanimous in all the great matters; and Williamson with justifiable pride also said to the Governor: "We shall on some future occasion be at liberty to explain to your Excellency

Life of  
Iredell, II,  
163

1787

S. R., XX,  
766

how difficult a part has fallen to the share of your State in the course of this business, and I flatter myself greatly if we have not sustained it with a principle and firmness that will entitle us to what we have never asked for—the thanks of the public.”

Nor were the deputies without encouraging words from home. Caswell, who shared with Martin the greatest personal popularity, wrote July 26, to Spaight: “I am induced to think that the plan of a national parliament and supreme executive with adequate powers to the government of the Union will be more suitable to our situation and circumstances than any other, but I should wish also an independent judicial department to decide any contest that may happen between the United States and individual states and between one state and another; this, however, is only a hint. You may not see the necessity of it as forcibly as I do, and I presume it is now too late to offer any reasons for the establishment, as that matter I flatter myself is before this time got over: all I can say respecting the Convention is to recommend a perseverance to the end, to the deputies from this State.

Ibid., 752

At length the general principles of a constitution were substantially agreed on, and on July 22 Williamson again wrote: “After much labor the Convention has nearly agreed on the principles and outline of the system, which we hope may fairly be called an amendment of the Federal Government. This system we expect will in three or four days be referred to a small committee to be properly dressed; and if we like it when clothed and equipped, we shall submit it to Congress.” At this time, too, Martin wrote to the Governor: “Believe me, it is no small task to bring to a conclusion the great objects of a united government, viewed in different points by thirteen independent sovereignties; United America must have one general interest as a nation, at the same time preserving the particular interests of the individual state.” Finally the special com-

Life of  
Iredell,  
II, 167S. R., XX,  
763



mittee, on August 6, reported the rough draft clothed, as indicated by Williamson, which was then taken up paragraph by paragraph.

1787

A fortnight later Martin again wrote to Caswell: "Though I have not told your Excellency affirmatively what the Convention has done, I can tell you negatively what they have not done. They are not about to create a king, as has been represented unfavorably in some of the eastern states." The news of Hamilton's plan had gotten abroad and had created a stir in New England; indeed, the rumor went so far as to indicate the particular person who was to be invited to the throne in America.

S. R., XX,  
764

Davie had then left to return home, and Williamson, the most important man of the delegation because of his learning, wide information, talents and reputation, writing to Caswell, said: "I regret his departure very much, as his conduct here has induced me to think highly of his abilities and political principles." A few days later, Alexander Martin also returned to North Carolina; the representatives remaining being Williamson, Blount and Spaight.

Ibid., 765

The purpose to establish a national government was generally entertained; so, in the draft of the Constitution, all of the departments were designated as national, and that term was freely used throughout the document; nor in the Convention was it objected to. In such a system, the federative power of an absolute negative in a single state could have no place. On August 12 Spaight wrote to Iredell: "It is not probable that the United States will in future be so ideal as to risk their happiness upon the unanimity of the whole; and thereby put it in the power of one or two states to defeat the most salutary propositions and prevent the Union from rising out of that contemptible situation to which it is at present reduced."

Life of  
Iredell,  
II, 168

There was a provision in the instrument as reported by the committee, that the importation of such persons as the several states shall think proper to admit shall not be

Importation  
of slaves



1787

prohibited"; and another, that "No navigation act shall be passed without the assent of two-thirds of the members of each house. The latter was distasteful to Massachusetts, while the first was repugnant to all the states north of the Carolinas. In the Convention it was proposed to insert "free" before the word persons, and Georgia and South Carolina became alarmed. They insisted on a right to import slaves. The Convention hastily adjourned, and the next morning these two clauses were referred to a special committee of one from each state. In that committee South Carolina and Massachusetts voted together, and their respective wishes were consummated. Slaves were allowed to be imported until 1808, by the joint vote of New England and the Southern States, except Virginia; and by the aid of South Carolina all restrictions on the power of Congress to regulate commerce were removed. Thus with the assent of New England the institution of slavery was largely fastened on the country and rendered of much concern by the continued importation of African slaves, New England being more interested in the slave trade than the southern commonwealths.

The  
Constitution

"National"  
eliminated

On September 8 the Constitution having been agreed on, the document was referred to a committee to revise its style, and when, four days later, the instrument was reported the word "national" was nowhere to be found in it; and although all of its national features remained intact, those who advocated its adoption assumed the name of Federalists. It was to be adopted by the people of each state that should ratify it. On Saturday, September 15, the Constitution was agreed to, and then it was signed and transmitted to Congress. On September 18, Blount, Spaight and Williamson united in explaining to Governor Caswell the provisions of the instrument. No exertions had been wanting to guard and promote the particular interests of North Carolina. Attention was directed "to the representation in the second branch of the national

legislature being according to numbers, that is to say: according to the whole number of white inhabitants added to three-fifths of the blacks. . . . We had many things to hope from a national government, and the chief thing we had to fear from such a government was the risk of unequal or heavy taxation. . . . It is provided in the ninth section of Article I that no capitation or other direct tax shall be laid except in proportion to the number of inhabitants, in which number five blacks are only counted as three. If a land tax is laid we are to pay the same rate; for example, fifty citizens of North Carolina can be taxed no more for all their lands than fifty citizens in one of the eastern states. . . . When it is also considered that five negroes are only to be charged the same poll tax as three whites, the advantage must be considerably increased under the proposed form of government. The Southern States have also a much better security for the return of slaves who might endeavor to escape than they had under the original Confederation.” And the delegates added: “While we were taking so much care to guard ourselves against being overreached, and to form rules of taxation that might operate in our favor, it was not to be supposed that our northern brethren were inattentive to their particular interests.” Particularly, they mentioned the power to regulate commerce. “This is what the Southern States gave in exchange for the advantages we mentioned above; but we beg leave to observe, in the course of this interchange, North Carolina does not appear to us to have given up anything, for we are doubtless the most independent of the Southern States; we are able to carry our own produce; and if the spirit of navigation and ship building is cherished, we will soon be able to carry for our neighbors.”

Taxes

Commerce

In the debates in the Convention, Williamson, highly cultured and a man of details, took an active part; and Davie won particular encomiums for his talents and devotion to



business. It appears that the delegation acted as a unit, and North Carolina exerted a considerable influence. It was by her vote that the equality of the states was preserved in the Senate, and the general plan made acceptable to the smaller states. But for North Carolina's action on that question, the smaller states might have withdrawn, and the new Union might not have embraced them.

### The August election

1787

Life of  
Iredell,  
II, 177

The parties

Ibid., 170

Ibid., 181

In North Carolina, while the Convention was in session, its work not yet done, and the general result unknown, the August elections took place. There was much rancor and political asperity evolved in the contest. Already those who favored a closer union of the states began to be known as "Federalists"; and their opponents, who were either content with the Confederation, or advocated only slight amendments, were called "Anti-Federalists" or Republicans. Great bitterness was infused into the canvass, and in many places tumults and assaults occurred. In Orange, "Hooper had an engagement with McCauley, in which he came off second best, with his eyes blacked." Generally, those who agreed with the Federal leaders were successful. Iredell had been brought forward too late to be elected, but, heartily in favor of the proposed Constitution, he urged its adoption by tongue and pen, and gave to the cause the full weight of his influence. Early in November a public meeting was held at Edenton and resolutions adopted to support the Constitution; and four days later the grand jury attending the Superior Court of that district, presented to the court an elaborate address prepared by Iredell: "We admire in the new Constitution a proper jealousy of liberty, mixed with the due regard to the necessity of a strong, authoritative government. Such a one is a requisite for a confederative as for a single government, since it would not be more ridiculous or futile for our own Assembly to depend for any necessary exertion of power on the unan-



imous concurrence of all the states in the Union." And the grand jury urged that the Assembly should call an early convention. Nov. 1787

### The Assembly

It was under such influences that the Legislature met at Tarboro on November 19. Willie Jones was not a member, but Person and Coor were in the Senate. That body organized by electing as speaker Alexander Martin, one of the delegates who had framed the Constitution. Judge John Sitgreaves, also an advocate of its adoption, was chosen Speaker of the House. The temper of the Assembly was manifested by a broad patriotism and a liberal spirit. Governor Caswell was about to retire from the executive chair, and doubtless threw his influence toward promoting the closer union which he had advanced in its incipency by appointing delegates to attend the Annapolis Conference, and which was exactly in line with his own recommendation to the delegates. S. R., XX,  
301

The disposition to conform to the wishes of the general government was made apparent by the first act of the Assembly. The Governor communicated the correspondence from the President of the Congress urging that the Treaty of Peace should be fully observed. So far North Carolina had turned a deaf ear to all entreaties, declining to give effect to the provisions of the Treaty that were favorable to the Tories. Now, the first act of the session declared the Treaty to be the law of the land, and required that the courts of the State should judge all cases accordingly. Thus ended the protracted contests over that exasperating question, and the tribulations of the Loyalists and their friends drew to a close. Although James Iredell had failed of election his party colleagues were in the ascendancy and he was appointed one of the State Council, and his reputation as a lawyer was so high that he was directed, as sole commissioner, to revise and publish the Acts of Assem- Ibid., 752

Ibid., 129

Treaty of  
Peace

McCulloh  
pardoned

bly, with large discretionary powers. The sympathies of the Assembly were aroused in behalf of Richard Bradley, a young man who had killed Col. Sam Swann in a duel at Wilmington, and it recommended that the Governor should pardon him.\* And the Governor was also authorized to pardon McCulloh and all others convicted of frauds against the State.

S. R., XX  
370

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Convention  
called

S. R., XX,  
372

On the second day of the session Governor Caswell presented the draft of the proposed Constitution and a letter from Congress submitting it to the State; and December 6 was set apart for its consideration. When that day arrived the two houses formed themselves into a committee of the whole, with Elisha Battle in the chair, to consider the instrument. The business was speedily disposed of. At a single sitting resolutions were agreed to recommending the people of each county to elect five delegates to a convention to be held to consider the Constitution, and if approved by them, to confirm and ratify it on the part of the State. In the Senate, James Coor, seconded by General Person, moved an amendment that "in case they do not agree that the said proposed Constitution shall become binding on the people of the State, then and in that case, they report to the executive authority of this State their objections, and the necessary alterations that should be made in it to secure to the people their most valuable and indispensable rights, liberties and privileges as expressed and secured to them by the Bill of Rights and Constitution of the State." This proposition, however, received but eight votes, while thirty-five members voted against it. In the House there was no division: The Assembly also recommended to the people to authorize the convention to fix a place for holding the General Assembly, which shall be the unalterable seat of government.

The  
capital

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\*The Governor accordingly pardoned Bradley; but the judges held that the Executive was not authorized by the Constitution to pardon a culprit before conviction, and at the next session, the Legislature itself passed an act pardoning him.



1787

**To open Raleigh Inlet**

The spirit of enterprise for which the Albemarle section was famous was illustrated by an application for the incorporation of a company composed of many well-known citizens to deepen a channel and cut out an inlet to be known as the Raleigh Inlet, from Albemarle Sound to the sea. The affairs of the western counties received attention, and it being again proposed to repeal the act annulling the Act of Cession and to authorize the delegation in Congress to convey the western territory to the United States, the proposition was defeated; and measures were taken to quiet the disorders in that region.

Dr. Hugh Williamson and Robert Burton were chosen delegates to the Continental Congress, and their election was in line with the general action of the Assembly, favorable to the Federal party. Still more strongly did the Assembly manifest its Federalism by the election of Samuel Johnston as Governor. On being notified, Johnston repaired to Tarborough, where he was received with many marks of distinction. Davie mentioned "a number of gentlemen were to meet him on his coming to town and Caswell must have felt some mortification at this attention to Mr. Johnston, as no notice had been taken of him." On December 20, at a joint session of the two houses, Johnston took the oaths, but departed from the usual custom and delivered no inaugural.

Johnston  
GovernorLife of  
Iredell,  
II, 216S. R., XX,  
456**Glimpses**

In November, 1787, William Atmore, a merchant of Philadelphia, came to New Bern, Tarboro and Washington, having business relations with many of the people of that section. He kept a journal, in which he entered "Washington is a town consisting of about sixty families. . . . Vessels drawing seven and a half feet of water come up when the river is low. . . . About two miles below the town the navi-



gation is impeded by sunken logs and by stumps of large trees that are supposed to have grown there." A similar subsidence also, is said to have occurred above Edenton. "The trade up the river as far as Tarborough is carried on chiefly in large scows and flats, drawing but little water, some of these carry 70 or 80 hogsheads of tobacco. . . . At Washington there are several convenient wharves and there are sometimes lying here twenty sail of sea vessels. There is a courthouse, and prison there, and there is a school house.

Commerce

"The merchants export from this Town, Tar, Pitch, Turpentine, Rosin, Indian Corn, Boards, Scantling, Staves, Shingles, Furs, Tobacco, Pork, Lard, Tallow, Beeswax, Myrtlewax, Pease, and some other articles. Their Trade is chiefly with the West Indies and with other States on this Continent; the Navigation not admitting Vessels of great burthen to come up to the Town; and for a large Vessel to lay below to load at the Anchorage near the Bar is always inconvenient, and sometimes dangerous.

Life at  
Tarboro

"We found upon our arrival at Tarborough the place much crowded; the Legislature being sitting for the dispatch of business—The size of the Town appear'd so inadequate to the comfortable accommodation of a Legislature composed of about 120 Commons or Delegates and about 60 Senators, together with the people attending the Sessions in business or going there on motives of pleasure, that you will not easily believe that it was possible to provide for them; Yet provided for they were. And they said themselves, very comfortably; One old Countryman said that he had cause to be satisfied; that he lives there much better than at home.—

"Captain Toole, a Trader, and for the time Innkeeper provided for 40 or 50 Members, with a great number of others; every family almost received some of the Members; Beds were borrowed from the Country, 3 or 4 placed in a room, and two of their Honors in a Bed—: provisions

1787

were in plenty. Horses were mostly sent to Farms in the vicinity of the Town—Mr. Falkener who formerly resided sometime in Philadelphia brought hither his E. O. Table; Gambling was carried to great extent at this Table and also at other Games; at times several of my acquaintances have told me of their losses,—A Trader of Newbern lost in one night 600 pounds—Some attempts were made to represent some dramatic pieces, but with very bad success—Two of the Actresses were Adventuresses from Charleston.

“The Court House is a large wooden building of two Apartments, and standing on brick Pillars; in the long Room the Commons met; in the other the Senate—Any person is at liberty to go and hear the debates in either House, Standing uncover’d without their Bar—The bar at the Senate was a Board laid across two old trunks, standing on the ends which served very well pro tem.

“The Bar of the Commons House was the Court House Bar—Every Member sat with his Hat on except when addressing the Chair—The business before the house not being very interesting I soon retired—But soon after hearing that the new Governor was to be Sworn into office I returned. There was now a joint Meeting of the two houses in the large Room, a Committee of 3 or 4 gentlemen went to him, they walk’d together to the House. All the Members rose on his entering. The usual Oath of Allegiance to the State and Oath of Office as Governor being by him distinctly repeated and sworn, he retired to his lodgings, there being no Ceremony of Proclamation.”

The custom

Being rowed across the river at Blounts ferry by two negroes, Atmore asked one:

“Where was you born, boy?”

“I was born in Guinea.”

“Don’t you want to go back to your Country?”

“I have learnt another Language now, they will kill me if I go back to my home—”

The  
imported  
African

“How came you brought from yr. Country?”



"I went with many more to attack a town, where they were too strong for us, they killed a great many, and took 140 of us prisoners, and sold us."

"Had you not better have let them alone and remained in peace at home?"

"No. My Nation always fight that Nation."

"And what would you do if you return'd to your Country now, you'd be quiet?"

"No, I go there, and fight 'em worse than ever."

Mr. Atmore visited New Bern where he had friends, and he gives a pleasing account of the society there. And there he met the daughter of Judge Sitgreaves, who eventually married him. He describes the palace as untenanted, but the spacious hall sometimes was used for balls, and in the building a school was kept.

1787

Life at  
Lumberton

Gen. John Willis had been a soldier in the Revolutionary War. He was a lawyer and a civil engineer and also a large planter and mill owner. He laid off the town of Lumberton on some of his land; and established an academy there of which David Kerr was the principal before he was employed at the University. Somewhat later he proposed to sell to W. Norment his lands in the Raft Swamp and Drowning Creek, 11,776 acres, with his mills. The trade from Lumberton was by flats down the river to Georgetown. He was in the Assembly at times and in that of 1787 at Tarboro. On December 10, when the session was about a month old, he wrote to his wife: "I now have an opportunity to write to you—a young man going to Fayetteville—the first I have had since I arrived here." After telling about calling the Convention of 1788, he adds: "I have the future of the dear children around you continually in my views. I will bring when I come about 20 pounds worth of excellent books, just such as I know you will be fond of." He became a member of the Convention.



## CHAPTER VI

### CONVENTION OF 1788

The influence of Virginia.—Ratification doubtful.—Jefferson's attitude.—The people divided in every state.—Virginia ratifies in June.—Opposition in New York weakens.—The Convention meets at Hillsboro in July.—Willie Jones influenced by action of Virginia.—Governor Johnston presides.—The Anti-Federals in control.—The Constitution considered by paragraphs.—The Convention fails to ratify and proposes amendments.—The seat of government located in Wake County.

The Convention was to meet at Hillsboro in July, July, 1788 and in March the election of delegates took place. Preliminary to it great interest was manifested. Iredell published in the *State Gazette* at New Bern a masterly dissertation on the proposed Constitution that attracted wide attention. But the Virginia influence was strong. In that state Mason had published a caustic criticism of the instrument, and although Jefferson was in France he maintained an active correspondence with friends, to whom he expressed grave apprehensions. Even before the close of January Davie wrote: "The great deference this State has been accustomed to pay to the political opinions of the Old Dominion will, I believe, have a very bad effect on the determination of this great question. This circumstance, added to the opposition already formed, in my opinion, renders its adoption in this State extremely doubtful." In May he and Moore and Iredell prepared a pamphlet, published by contributions for general circulation. But the cause was hopeless. Willie Jones had from the first been opposed to the Constitution, and he at once became the head of a party having its defeat for their object. The men in office were generally unfavorable to any change, and a cry was raised that the poor would be ruined by taxes and that there was no security for freedom of conscience. The paper at New Bern, published by Xavier Martin, was strongly Anti-

Life of  
Iredell, II,  
186

Ibid., 217

Life of  
Iredell, II,  
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Federal, and although most of the leaders of thought were favorable to accepting the Constitution, those who had the ear of the masses were in opposition. At the election, Allen Jones, Blount, Hooper, Alfred Moore, Alexander Martin and Judge Williams, all Federals, were defeated.

### Jefferson's views

About the middle of December Jefferson had written from Paris: "Our new Constitution is powerfully attacked in the American newspapers. The objections are that its effect would be to form the thirteen states into one; that, proposing to melt all down into one general government, they have fenced the people by no declaration of rights; they have not renounced the power of keeping a standing army; they have not secured the liberty of the press; they have reserved the power of abolishing trials by jury in civil cases; they have proposed that the laws of the Federal legislature shall be paramount to the laws and constitutions of the states; they have abandoned rotation in office, and particularly, their president may be reëlected from four years to four years, for life, so as to render him a king for life." Later, while pointing out what pleased him in the Constitution, he again referred with disapprobation to an omission of a bill of rights, providing "for freedom of religion, freedom of the press, protection against standing armies, restrictions of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury." Finally he wrote: "I wish with all my soul that the first nine conventions may accept the new Constitution, because this will insure to us the good it contains, which I think great and important. But I equally wish that the four latest conventions, whichever they may be, may refuse to accede to it till a bill of rights be annexed."

Ibid., 329

### The opposition

The question of ratifying the Constitution indeed divided the people into two hostile camps from Massachusetts to Georgia. The proposition was bitterly antagonized. The opponents were inflamed by every art that could appeal to popular prejudice as well as to sound judgment. Everywhere there was passionate remonstrance against putting in peril the liberties of the people—met, however, by the advocates of the measure with an equally forcible presentation of the necessity of securing the benefits of the Union and of stable government. The future of America hung tremblingly in the balance. At first the result was doubtful.

In Pennsylvania there was hot opposition, but in December Delaware, Pennsylvania and New Jersey ratified; and Georgia and Connecticut in January. The convention of Massachusetts, after a long and severe struggle, in February ratified by a vote of 187 to 168, proposing a great number of amendments. By May, Maryland and South Carolina had also adopted the Constitution, proposing amendments. Only eight states had ratified; and the result was expected to be adverse in the remaining states.

### The Virginia ratification

Such was the situation when on June 2 the Virginia Convention met. There was bitter opposition; the majority was adverse, and the result was altogether uncertain. The great leaders were divided. At length, after a discussion extending over three weeks, the influence of Washington prevailed, and it was on June 26 agreed by a vote of 89 to 79 to ratify; and the form of ratification adopted was: "We the delegates of the people of Virginia . . . do in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be per-

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verted to their injury or oppression." A bill of rights was proposed and twenty-one amendments.

Likewise New Hampshire ratified on June 21. In July, the New York Convention met. As elected, the majority against the Constitution was overwhelming; but when New Hampshire and Virginia ratified, the opposition weakened. It was, however, proposed that a new convention of all the states should be held; and finally, on the strength of pledges that there would be amendments, the instrument was on July 26, agreed to by a majority of three votes; a large number of amendments being submitted: and New York, in her ratification declared her right to withdraw.

### **The Convention**

On July 21 the North Carolina Convention met in Old St. Matthews Church at Hillsboro, which had by act of 1784 been converted into a free church. The full membership was 280, of whom 268 were in attendance. There were two chief factions: those who favored ratification regardless of amendments, and those who proposed that there should be amendments before North Carolina would ratify. Of the latter Willie Jones was the leader. Originally he had opposed the adoption of the Constitution, and was "perfectly Anti-Federal"; but on the ratification by Virginia, realizing that the new government would be ordained, he abandoned his earlier position and sought to secure amendments before North Carolina should yield her assent. Many of the Federal leaders had been defeated, but among the members were Johnston, Iredell, Maclaine, Davie, Spaight, Blount, Grove, Cabarrus, Steele, Hill, Sitgreaves, Owen and other Federals of the first water. Davie and Spaight had a hand in preparing the Constitution; and Iredell and Maclaine had been its sponsors in North Carolina. In the opposition were Elisha Battle, Willie Jones, Spencer, Person, David Caldwell, James Galloway, Clinton, Montfort, Lenoir, Mebane, Kenan, Egbert Haywood, William

Shepperd, Benjamin Williams, Hargett, Joel Lane, Hinton, Rutherford, Josiah Collins, Bloodworth, Devane, Branch, Dickson, General McDowell, John Macon, Locke, Tipton from beyond the mountains, and other men of consequence.

It soon developed that the Federals were in a woeful minority; but Governor Johnston was unanimously chosen President, a compliment no less due to his eminence than to his official character as Governor of the State. On the third day, Galloway, seconded by Macon, moved that the Constitution and other papers be read, and that the Constitution be discussed clause by clause. Willie Jones, seconded by General Person, moved that the question on the Constitution be immediately put. He said that the Constitution had been so long the subject of deliberation that he believed every member was prepared to give his vote at once. To this Iredell replied, if that was to be the procedure, the voters at the polls might as well have determined the matter; that the Constitution had been submitted to the Convention for debate and deliberation. Galloway then proposed to go into committee of the whole. To this Person objected, but the Convention took that course, and by a majority determined to discuss the Constitution, clause by clause. Evidently Willie Jones and General Person did not control the body. The discussions continued a week, Elisha Battle presiding as chairman of the committee of the whole. As it seemed from the first that the Constitution would not be ratified, Iredell and Davie, hoping that the publication of the debates might have some effect in procuring its ratification on a subsequent occasion, employed a stenographer to take them down and, at some pecuniary loss, published them.

The opposition was alike from the west and the east. The Federals argued that the instrument had to be adopted in its entirety or rejected; that the rejection of one clause carried the whole Constitution. The debates were full, warm, and often acrimonious. While the Federal leaders spoke much, Jones and Person did not enter into the discussion. Judge

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Life of  
Iredell, II, 8



Spencer, a graduate of Princeton, Dr. Caldwell, the head of the famous academy, Timothy Bloodworth, James Galloway, Joseph McDowell, Matthew Locke and Joseph Taylor were the chief debaters against the instrument. At the outset, Dr. Caldwell, as a basis to test the principles of the Constitution, submitted some political maxims, the first of which was that government is a compact between the rulers and the people; but the Convention refused to adopt them, although strongly urged by Person and Rutherford. And as the Convention refused to follow Jones in his proposition of no discussion and Dr. Caldwell in laying down fundamental principles, apparently the members were retaining their independence, and there was a gleam of hope that a majority might be won for ratification. Accordingly the Federal leaders entered on the discussion, intent on persuasion, and determined, if possible, to answer every reasonable objection. They all participated in the debates, which, though sometimes heated, were generally in good temper, and the presentation of the various provisions of the Constitution by Davie, Iredell, Maclaine, Johnston, and their associates excites admiration for its fairness, accuracy and comprehensiveness. On the other hand the objections to the instrument, the necessity of amendments to fully secure the rights of the people and of the states, were forcibly presented.

Life of  
Iredell, II,  
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Dr. Caldwell animadverted with severity on the expression, "We, the people." "Were not they who framed this Constitution the representatives of the legislatures of the different states? In my opinion, they had no power from the people at large to use their name or to act for them. They were not delegated for that purpose."

This allegation that the delegates had exceeded their powers led to an exhaustive speech from General Davie, one of the delegates involved: "Were not the state legislatures afterwards to review our proceedings? Is it not through their recommendations that the plan of the Convention is



submitted to the people? . . . The Confederation derived its sole support from the state legislatures. This rendered it weak and ineffectual. It was therefore necessary that the foundations of this government should be laid on the broad basis of the people. . . . The House of Representatives are immediately elected by the people. The Senators represent the sovereignties of the State." Davie's exposition was candid, thorough, and highly creditable to him as a statesman. Joseph Taylor, however, replied: "This is a consolidation of all the states. Had it said 'We, the states,' there would have been a federal intention in it. But, Sir, it is clear that a consolidation is intended." On the other hand Maclaine insisted: "It is no more than a blank till it be adopted by the people. When that is done here, is it not the people of the State of North Carolina that do it, joined with the people of the other states who have adopted it?"

Life of  
Iredell, II,  
16

When the clause permitting the importation of slaves until 1808 was reached there were strong expressions in favor of putting an end to the traffic; but as to manumission, Galloway declared: "It is impossible for us to be happy, if, after manumission, they are to stay among us."

Ibid., 101

In the course of argument Iredell said: "There was a great debate in the Convention whether the Senate should have an equal power of originating money bills. . . . I have reason to believe that our representatives had a great share in establishing this excellent regulation (the exclusive right in the House of Representatives), and in my opinion they deserve the public's thanks for it." Arguing for adoption, Iredell continued: "That power which created the government can destroy it. . . . Massachusetts, South Carolina, New Hampshire and Virginia have all proposed amendments; but they all concurred in the necessity of immediate adoption."

Ibid., 129

Ibid., 130

Judge Spencer argued that there should be a bill of rights, something to confine the power of government within

its proper bounds. It would keep the states, he urged, from being swallowed up by a consolidated government. He objected strongly to the jurisdiction of the Federal courts. He thought those courts would prove oppresssive, and he urged that there would undoubtedly be clashing between them and the state courts. He expressed the view that the business and the remaining power of the state courts would gradually be abolished.

Life of  
Iredell, II,  
169

Mr. Locke said that if the state judiciary might be partial so would the Federal judges. He deemed it derogatory to the honor of the State to give this jurisdiction to the Federal judges. "I greatly fear," he exclaimed, "for this State and for other states." But Governor Johnston, Iredell, Maclaine, Davie and others combated these views, the discussion taking a wide range.

The opponents of the Constitution, admitting that the new government acted on the individual and not the state, urged the absolute necessity of a bill of rights to guard and protect the liberties of the citizens, which were in danger because there was no sufficient limitation on the powers of government.

Ibid., 169

On the other hand, said Maclaine, "the powers of Congress are limited and enumerated. . . . We retain all those rights we have not given away to the general government."

The subject of preserving the rights and powers of the states was discussed at great length; and while the doctrine was broadly maintained that the Federal Constitution, when adopted, would become a part of the State Constitution, it was declared that the latter must yield to the former only in those particular cases where power is given. The State Constitution, they said, is not to yield in any other case whatsoever. The laws of the United States would be supreme, but only in cases consistent with the powers specially granted. Maclaine, perhaps the most violent Federalist in the body, said: "This proposal is made to the peo-

Ibid., 180



ple. No man will deny their authority to delegate powers, and recall them, in all free countries." To this there was no dissent.

The necessity of some amendments was freely admitted, opinion being divided as to the scope of the necessary amendments, and as to whether there should be ratification prior to the adoption of the amendments.

At length, after a patient discussion of every clause of the Constitution, Governor Johnston proposed that the convention should ratify the instrument, and at the same time propose amendments. Somewhat later, Willie Jones said that he was opposed to that step; he proposed that there should be certain amendments before North Carolina should ratify. On the following day, for the first time, he explained his views: "It is objected that we will be out of the Union. So I wish to be. We are left at liberty to come in at any time. It is said we shall suffer a great loss for want of a share of the imposts. I have no doubt we shall share it when we come in, as much as if we adopt it now. I have a resolution in my pocket, which I intend to introduce if this resolution is carried, recommending it to the Legislature to lay an impost, for the use of Congress, on goods imported into this State similar to that which may be laid by Congress on goods imported into the adopting states. This shows the committee what is my intention, and on what footing we are to be. This being the case I will forfeit my life we shall come in for a share. It is said that all the offices of Congress will be filled, and we shall have no share in appointing the officers. This is an objection of very little importance. Gentlemen need not be in such haste. If left eighteen months or two years without offices, it is no great cause of alarm. The gentleman further said that we could send no representatives, but must send ambassadors to Congress, as a foreign power. I assert the contrary; and that whenever a convention of the states is called, North Carolina will be called on like the rest. . . . I have in my proposition adopted

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Iredell, II,  
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word for word the Virginia amendments, with one or two additional ones. . . . There is no doubt we shall obtain our amendments and come into the Union when we please." He mentioned Mr. Jefferson's wish that nine states should ratify and four reject the Constitution. "Amendments might be by conventions or by the legislatures. In either case, it may take up about eighteen months. For my part I had rather be eighteen years out of the Union than adopt it in its present defective form." His proposition and remarks led to a very hot debate. Davie declared that it would be arrogantly saying to the other states: "I wish to be in copartnership with you, but the terms must be as I please." Finally, after a long day of animated discussion, Jones's resolution was agreed to by a great majority and was reported to the Convention. It provided that a bill of rights and twenty-six amendments should be laid before Congress for consideration previous to the ratification of the Constitution on the part of North Carolina. At that time the action of New York was unknown; and indeed it was thought that that state would not adopt the Constitution; but Virginia's action influenced the Anti-Federals at the North as well as in North Carolina. With great difficulty, Iredell on Saturday, August 2, obtained a vote on his proposition to ratify at once, while recommending five amendments. This motion received 84 votes, while there were 184 in the negative. And then the report of the committee of the whole, being the resolution offered by Willie Jones, was agreed to by the reverse vote, 184 to 84. Willie Jones then offered his other proposition, which was agreed to; that as the Convention had thought proper neither to ratify nor reject the Constitution, it was recommended to the Legislature to pass a law for collecting an impost for the use of Congress similar to any that Congress should pass.

Life of  
Iredell, II,  
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Ibid., 250

The Convention then passed an ordinance directing the General Assembly to provide for the selection of a site for the State capital within ten miles of the plantation of Isaac Hunter in the county of Wake—that being as near as possible the geographical center of the State and on the great highways leading to every section. After being in session eleven days on Monday, August 4, the body adjourned.

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## CHAPTER VII

### THE SEPARATE STATE

The people divided.—The Federals strong.—Congress provides for election of President, etc.—Indian war feared.—The proposed capital.—The two houses at points.—Another convention agreed on.—Delegates appointed to New York's proposed Federal Convention.—Johnston again Governor.—Jones's progressive action.—The County of Tennessee.—The District of Mero formed.—Andrew Jackson.—Iredell honored.—New enterprises.—South Carolina negroes.—The Confederacy ends on March 4.—The interregnum.—April 30 Washington President.—The bust of John Paul Jones.—The State continues as a sovereign State.—Its prosperity.—Wilmington's commerce.—North Carolina pays her debt to the Confederacy.—The Indians pacified.—Federal legislation.—The election for Assemblymen and for delegates.—The House elects Caswell speaker.—The Convention elects Johnston to preside.—The Assembly takes recess.—The Convention ratifies the Constitution.—Davie in the Assembly.—Federal elections provided for.—The western territory ceded.—At Davie's instance the University established.—Fayetteville again prevents locating the capital.—The death of Caswell—of Hooper—of Maclaine—of Penn.—The Great Experiment.

The new  
Union

Nine other states having ratified the Constitution of the United States by June, 1788, the Constitution by its terms took effect between them. The Confederation that had been agreed to be perpetual was thus supplanted by a new Union in which North Carolina had no part. The Continental Congress, however, continued its session, making provision for the establishment of the new government. In the State the result of the Convention had been so strongly foreshadowed by the returns of the election of members that while it did not conform to the wishes of the Federal leaders it did not disappoint their expectations. Soon after adjournment it became known that New York, while calling for a new convention, had followed the example of Virginia, so that besides North Carolina the only state that did not ratify was Rhode Island, and she was held in such low esteem that her nonaction gave no concern. Generally throughout the Union while the Anti-Federal party had



shown great strength, it had failed of success. The only respectable state not acceding to the Union, there was reason to hope North Carolina would not long remain separated from her sisters. But the opposition had been carried to a great height and, as the issue involved government affecting the happiness, prosperity and liberties of the people, the defeated partisans, numbering nearly one-half of the inhabitants, were sore, sullen and dissatisfied. In their view, the obstinacy of their opponents was very reprehensible and harsh epithets were hurled at Willie Jones and his coadjutors and much bitterness was evolved.

### The election

As the August election for assemblymen approached it was evident that events had weakened the influence of the Anti-Federalists. The potent argument against isolation was perhaps strengthened by the hope that some of the public characters entertained of sharing in the offices of the new government. Thus at the election the policy of rejecting was not generally approved and the Anti-Federals sustained a reverse. Especially at the west was the change of sentiment noted. Surry elected three Federals; and in Rowan both Rutherford and Locke, theretofore invincible popular idols, were beaten. Still the general result was unknown and Willie Jones, whose following was so large in the Convention, expected to control the Assembly. He, himself, at variance with his habits of life, had stood for the Senate and was returned a member of that body, while General Person was again elected to the House. They had coöperated in their purposes, first to reject and then to await amendments; and now assuming that they still controlled, they announced their plan to remain out of the Union for a period of five or six years. Halifax was one of the seats of intelligence whence radiated the influence that swayed the actions of the interior communities; and although his brother Allen, his brother-in-law, Colonel Ashe, and all of his friends who

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Iredell, II,  
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habitually gathered around his fireside were now in favor of immediate adoption, Colonel Jones adhered with persistence to his plan, and was constantly addressing the people and pointing out the disastrous consequences that would possibly attend the supremacy of the Federal judiciary. But as the sentiment in Virginia had at the outset strengthened Anti-Federalism in Carolina, now her action in ratifying placed the State in a predicament that constrained her to accept the Constitution and the new Union as the less of two evils. Thus the prospect was hopeful for ratification; and the Federal leaders, taking heart, entered with enthusiasm upon a new agitation. Iredell published an address to the voters, and Johnston, Davie, Steele and others distributed petitions for the people in the several counties to sign, praying for a new convention. All was activity in the Federal camp. Indeed, leading men in the other southern states, realizing the importance to southern interests of North Carolina's aid in Congress, urged the Federalists to renew action.

#### **Providing for the new government**

Sept. 1788

In the meanwhile Congress, early in September, in order to inaugurate the new government, provided for the election of members of Congress and presidential electors. These latter were to be appointed in January and were to choose a President in February. The Senators and Representatives were to assemble in New York on March 4, and on that day, when the Congress should be organized, the President was to be inaugurated. This act was officially communicated to Governor Johnston in September; and otherwise it seemed to be considered that the delay in North Carolina's accession was merely temporary. But the fall passed in uncertainty, all depending on the temper of the Assembly, which could not be ascertained with accuracy.



**The Assembly**

The Assembly was to meet at Fayetteville on the first of November, and as the members came in it was found that other matters than the Union were engaging their attention. For a time western affairs and the probability of an Indian war were uppermost in their minds; for there was reason to apprehend that a general confederacy had been formed by all the tribes, those at the North being supplied with arms and ammunition by the British. The situation was alarming, and as the inhabitants on the Cumberland feared that North Carolina alone could not adequately protect them, the members representing those counties now desired to be under the protection of the Union.

Life of  
Iredell, II,  
245

Another subject of absorbing interest to many members was the ordinance of the convention fixing the seat of government in Wake County. All the influence of the Cape Fear region was actively arrayed in opposition, and the advantage of selecting as the capital Fayetteville, a thriving town at the head of navigation with highways affording transportation facilities to the western counties, was pressed with vigor. But the Albemarle members were opposed to Fayetteville.

However, overshadowing these local subjects the great matter was that the State was separated from the Union. In the first days of the session the Federalists were sanguine in their expectations of a new convention. Martin and Sitgreaves, both Federalists, were reëlected speakers, but their personal popularity was also a factor and their success was not a sure test of the main matter. In his message, Governor Johnston urged: "The first object which calls for your serious attention is the situation into which the State will be cast on the meeting of the Congress of the United States"; and petitions were presented from nineteen counties, among them Lincoln, Mecklenburg, Rowan, Randolph and Surry, and even Halifax, praying for a new convention.

Out of  
the Union

S. R., XXI,  
10

Ibid., 21



Life of  
Iredell, II,  
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S. R., XX,  
924

S. R., XXI,  
33

Life of  
Iredell, II,  
245

S. R., XXI,  
52

S. R., XX,  
514

But the matter was in doubt. At length, after most of the members had arrived, on the night of the eighth day of the session, a secret meeting was held, and it was ascertained that the Federals had a small majority of the members. The Senate was Federal, but the Anti-Federals had a majority in the House. It would seem that Willie Jones early realized the futility of opposing the popular current which was now setting in favor of the Union. On Monday, the 10th of November, he moved that the Senate should propose a conference of the two houses, a joint meeting, to hear the petitions read, and to deliberate on them and to determine on the propriety of convening a new convention. The Senate assented and sent the message, but the House did not accept the invitation.

The strongest argument for action was based on the isolated situation the State would be in were she to remain out of the Union; but there came a report that, under the influence of Patrick Henry, the Assembly of Virginia would refuse to participate in the organization of the new government, thus virtually reversing the action of that state. Besides, New York had proposed another convention of the states, and there was a hope that such a body might convene. It was, perhaps, because of the reported reactionary movement in Virginia and the expectation of a new Federal convention that the House declined to join in the proposed conference, and that General Person secured on the 15th a vote in the House of 55 to 47 for his resolution declaring that: "It is now not expedient to call a new convention." This declaration, however, did not deter Caswell and the other Federal leaders from pressing forward. The logic of the situation was irresistible, and the strength of the Federals was sufficient to bear down the opposition. Two days after the House had spoken Caswell offered in the Senate a resolution that "another convention should be called for the purpose of reconsidering the new Constitution," and it passed by the decisive vote of 30 to 15.

**Jones's attitude**

Willie Jones voted in the negative ; but immediately on the adoption of the resolution, either in deference to the popular will, or perhaps because of his position as chairman of the Committee on Public Business, he introduced a formal joint resolution providing for a new convention to deliberate and determine on the said Constitution, and amendments, if any. He proposed that each county should be represented by three members, and that the election should be held in August and the convention meet in October. Thus he would secure a year for developments and deliberation ; but Caswell was not content with the proposed delay and sought to make haste by holding the election on December 15, allowing less than a month for the canvass. While the sentiment in the Senate was overwhelming for Union, this haste was not approved, and perhaps in view of Colonel Jones's attitude and to conciliate his followers, Caswell's proposition was voted down and Jones's resolution was passed without amendment. The concession was apparently effective, for although but two days had elapsed since the House had declared against a convention, on receiving this resolution, that body informed the Senate that if the representation should be increased to five members from each county, and if the convention should meet on the third Monday of November it would concur in the adoption of the resolution. The Senate thereupon made the proposed amendments, and the House concurred ; and the Federals rejoiced at this accomplishment of their purposes. The divergence between Jones and General Person was further emphasized, when a few days later, the latter, manifesting his dissatisfaction, moved to reconsider the resolution to call the convention ; but the House was no longer under his control, and his motion failed, only 32 voting with him while 50 sustained the previous action of the Assembly. The struggle was over and Federalism was triumphant. There was, how-

S. R., XX,  
515

Ibid., 516

S. R., XXI,  
67

Ibidi., 130



S. R., XXI,  
68S. R., XX,  
544

ever, an expectation that the call made by New York for another Federal convention might materialize, and to be ready for the contingency, should such a body convene, the Assembly elected delegates to represent the State in it. Governor Johnston and other Federals, while not in sympathy with that movement and declining to be candidates for the honor of representing the State, made no opposition, and Person, McDowell, Locke, Bloodworth and Lenoir were chosen. Delegates from New York, Pennsylvania and, perhaps, other states did subsequently meet, but as the movement was without the countenance of the Continental Congress, it had no result.

#### Other business

Jones's  
measuresS. R., XX,  
505.Life of  
Iredell, II,  
276

The Assembly, being now in thorough accord with the Federal leaders, no longer delayed the election of a governor for the ensuing year, and the honor was again awarded to Governor Johnston. Willie Jones was chairman of the committee to prepare bills of a public nature, and as such he presented many bills of importance. Perhaps not all of these measures originated with himself, but his advocacy of some of them gives assurance that he was a statesman of breadth of view, and superior to the environments of the day, and possessed of sound judgment and correct apprehension. North Carolina's trade was largely carried on through the ports of the adjoining states and it was considered that her commerce was hampered because her paper currency had fallen in value, the depreciation being about 30 per cent. As a corrective, Jones offered a measure providing that debts should be recovered according to the contract. Although this bill failed a beneficial result was reached by the revenue act, which contained a direction to collect a tax for the sinking fund, so large an amount of currency being thereby withdrawn from the public that within a year State paper, becoming scarce, was on a par with specie.



Colonel Jones, although one of the largest slaveholders in the State, perhaps partaking the views of Jefferson, presented a bill forbidding the importation of slaves, but this measure was in advance of the times and it then failed. S. R., XX,  
492

Another proposition made by him was apparently more in harmony with the views of those who had been reckoned as conservatives than with the principles of ultra democracy commonly attributed to him. He offered a resolution to the effect that "representation under the Constitution was oppressive and burdensome, and that representation ought to be distributed in proportion to the share which the counties contribute to the public fund." The vote on this resolution was a tie in the Senate, and it devolving on Speaker Martin to give the casting vote, he defeated it. But the subject was not disposed of; and the Senate passed a resolution submitting it to the Convention to "take into consideration the provisions of the State Constitution fixing representation in the Senate and the House, and to alter them so that the Legislature may be less expensive and its measures the more stable and uniform." This was the first manifestation of dissatisfaction with the working of the Constitution which gave to each county, despite inequalities in property and in population, an equal vote in the Assembly; and although later that subject entered largely into the politics of the State it was long before any change was effected. Ibid., 566  
  
Constitu-  
tional reform  
  
S. R., XX,  
567

### **The western country**

On the Cumberland, the Indians were hostile and despite the active efforts of Gen. Joseph Martin, who was in command, the settlers were much harassed; and they were also greatly concerned by the denial by Spain of their right to navigate the Mississippi River. They desired to raise a volunteer force of fifteen thousand men to crush the Indians and wished to be under the protection of the Union and of the Federal forces.

The eastern members were not willing to precipitate an Indian war and the situation was embarrassing. As a solution of the difficulties, notwithstanding North Carolina had not then become a member of the new Union, Willie Jones, doubtless regarding the delay as merely temporary, brought forward a bill to cede the western territory to the United States; but the Assembly was not ready for that step, and the proposition went over to the next session. Instead, the county of Davidson was again divided, the new county being named Tennessee, the first application of that name to any territorial division; and the three counties on the Cumberland were formed into a district, called Mero, in honor of the Spanish governor at Mobile, whose kindliness had won for him the regard of the western inhabitants. For this district military officers were at once appointed, and also a judge; but in the act establishing the courts no provision was made for a state's attorney. Thus the judge, John McNary, found it necessary to appoint a state's attorney for the Superior Court of Davidson, November term, 1788, and for the district of Mero the next year. He appointed Andrew Jackson, a young man who was born in the present county of Union, and who had been admitted to the practice of law in Surry County in 1787, although barely of age.

To carry into effect the ordinance of the Convention fixing the seat of government in Wake County, Jones introduced a bill appointing commissioners for that purpose; but the influence of Fayetteville, perhaps with the aid of the extreme western members, was too powerful to be overcome, and the measure failed. Other bills proposed by Jones likewise were rejected. On the other hand, Iredell, the most active advocate of the Federal Constitution, was honored by being elected a Councilor of State. Wills and Hodges, who were allied with the Federal party, were made State printers, and were directed to print the Acts of Assembly for distribution; and Iredell was appointed a commissioner to

S. R., XX,  
513

Tennessee

S. R., XXI,  
637

Andrew  
Jackson

Iredell

Life of  
Iredell, II,  
266



revise all the laws of the State. Moreover, Rowan County was divided, and the new county set off was named Iredell in compliment to him. While these high honors were being heaped on Iredell, the implacable Maclaine was rejoicing that "Jones was unable to secure the passage of a single bill." Still Jones exerted positive influence, and Maclaine, fearing his return to the Assembly of 1789, wrote in September: "I am persuaded we might have carried our point last year, but for Willie Jones; and therefore I am anxious to know whether he is a member." However, long before the session ended Jones obtained leave of absence and did not return. He soon removed from Halifax, settling in Wake at the new seat of government, but he was never again in the public service.

### **Progressive measures**

Former Assemblies had sought to promote manufacturing enterprises by offering bounties, and now an effort was made to stimulate the erection of iron works by the offer of three thousand acres of land for every furnace that should be established. And in the interest of commerce another effort was made to secure a navigable passage into the ocean near Roanoke Inlet, and Governor Johnston, Nathaniel Allen and others were appointed commissioners to receive subscriptions "for cutting Raleigh Canal." Nor was inventive genius lacking. Thomas Bloodworth, a brother of the politician, applied to the Assembly for a patent for the building of mills on the principle of the oblique wheel, doubtless now known as the turbine wheel.

Raleigh  
Canal

### **The negroes of the Loyalists**

In 1781 General Sumter had offered a negro taken from the South Carolina Tories to each private soldier who should enlist in his command. A considerable number of Carolinians enlisted and shared the fortunes of the "Swamp Fox," and they received as compensation negroes that had



S. R., XXIV,  
954

belonged to South Carolina Loyalists. Suits were now threatened for the recovery of these slaves by their former masters. The Assembly therefore directed that in every such case a verdict and judgment should be given to the defendants.

The claims of the State against the Confederacy were still unsettled and amounted to 14,000,000 pounds, Continental currency, and 2,376,000 pounds specie. To liquidate such claims Congress provided a commission, and Dr. Williamson, in addition to his duties as a delegate to the Continental Congress, which he continued to attend to its last day, was appointed the agent of the State to appear before this commission and settle these claims. Although Williamson remained in attendance and although Congress could legislate on some subjects, yet during the entire winter seven states were not represented at the same time, so that he could not bring to the attention of the body the instructions given by the previous Assembly.

### **The New Union**

March, 1789

S. R., XXI,  
533

As the Congress of the United States was to begin on March 4, to mark the end of the old and the beginning of the new government, salutes were fired in New York City at noon of that day and the bells of all the churches rang out peals of joy. The members of the old Congress dispersed; those not elected to the new Congress going home. Thus the Confederacy ended; and North Carolina no longer was in the Union of the states.

The gathering of the new officers at New York was slow. On the 4th of March only eight Senators and fourteen Representatives met at the public building. Indeed a month passed before the Senate could organize, the interval being known as the interregnum. It was not until April 6 that the Senate organized and the electoral votes were counted. Being informed of his election, General Washington left Mount Vernon on April 16, and on the last day of the

month was inaugurated and the new government was in <sup>1789</sup> force. Robert Burton, also one of the delegates, did not remain in New York to the end of the Confederacy, but his patriotism and elevated sentiments are alike manifested in a letter to Governor Johnston: "As those men who have fought for us in the great contest cannot be held in too high esteem, and as Chevalier John Paul Jones is among the foremost who derived their appointment from this State that deserves to be held in remembrance to the latest ages, I take the liberty of offering to the State, as a present through you, its chief magistrate, the bust of that great man and good soldier to perpetuate his memory."

John Paul  
Jones

S. R., XXI,  
527

### Out of the Union

The dissolution of the Confederacy wrought no change in State affairs. For years North Carolina had imposed and collected customs duties and had regulated her commerce and her currency, and her judiciary, as her Legislature, was supreme in the exercise of the powers conferred by her Constitution. The powers delegated to the Continental Congress related particularly to foreign affairs, and it was chiefly as to these matters that the State was affected by the passing away of the Confederacy.

The  
sovereign  
state

During this period of separation the State exercised every attribute of sovereignty and opened communications with the Spanish authorities involving foreign relations. The Treasury was in easy circumstances. The annual expenditures for administration, including £37,500 for the Assembly, were bare £50,000; while the receipts in cash were quite that amount, and an equal amount in certificates. At the settlement with the Treasurer at the end of the year 1790, there was in the Treasury £49,454; due from the sheriffs, £72,000 in cash and £69,356 in certificates, besides £15,629 due from individuals; and the healthy condition of the Treasury then led to a reduction of taxation.

Prosperity

S. R., XXI,  
1066



Conditions

The people were enjoying prosperity. Accessions were continually being made to the population. Business was good, particularly at the east, although necessarily the western counties suffered for the want of transportation. While thus separated, the State was particularly prosperous, industry reaping substantial rewards. Commerce had improved and during the fall and winter of 1788-89, more vessels sailed out of the port of Wilmington than at any previous time since the opening of the Revolution; lumber, staves, shingles, etc., being in great demand for the West Indies. Likewise the business of the other ports had greatly increased, and foreign seamen were found in all these marts of commerce; so that the better to meet the requirements of the new conditions, special maritime courts had been established to be held at the four ports, with jurisdiction of cases arising in mercantile matters and where one of the parties was a foreign merchant or a foreign seaman. The customs duties brought in a substantial revenue; while the taxes laid to be paid in certificates as well as in money were amply productive. Because of her great trade a French Consul was settled at Wilmington and vessels intended for the French trade had to be cleared from that port.

Life of  
Iredell, II,  
255

Vol. I, 16

Life of  
Iredell, II,  
280

Prices were remunerative. Provisions and everything else except house rent were cheaper in New York than in Edenton. Social life was in full sway. When "the divine Polly Long married Bassett Stith at Halifax, the nuptials were celebrated by twenty-two consecutive dinner parties, each dinner being succeeded by a dance, and all terminating with a general ball." Newspapers were published at Fayetteville, Wilmington, Edenton and Halifax. But in the isolated interior where there were no sawmills to make plank, nor brickkilns, and where transportation was difficult, life was primitive. Still, the people had their enjoyments and government sat lightly on them.

Ibid., 304

There was no change in the administration of domestic affairs. The quietude, the general advancement of all in-



terests in the settled portions of the State, and the settling of the western portion continued to progress as legitimate results of the prudent action of her statesmen.

To pay her obligation to the Confederacy, the State purchased tobacco with State currency, and sold the same for specie or exchange. Thus in May, Governor Johnston offered for sale one thousand hogsheads of tobacco; and the Treasury Board wrote to him: "If the State of North Carolina at this junction by the sale of this tobacco shall come to the relief of the General Treasury, it will be rendering a service honorable to themselves and highly acceptable to the Union."

S. R., XXI,  
556

#### At the west

At the west the hostility of the Indians inflamed by the encroachments of the settlers and particularly by the activity of Sevier, gave great concern. Commissions were appointed to bring about a peace. Finally it was agreed that there should be an exchange of prisoners, the Indians and the whites having about an equal number of captives, some twenty-eight on a side. But to make a treaty it was necessary for the Indians to assemble in large numbers and it was expensive to provide sustenance for them. Col. John Steele, one of the commissioners wrote: "We calculate upon 1,000 or 1,500 Indians who will attend the Cherokee treaty, to say nothing of the whites. The estimated expense for thirty days was 1,200 bushels of corn; 100 horned cattle; 50 bushels of salt; 600 gallons of rum; 40 soldiers, linguists, etc." It was Governor Johnston's good fortune so to conduct affairs as to allay irritation, induce quietude and promote the general prosperity, so that the State made more satisfactory progress during the period when she was not in the Union than ever before.

Ibid., 547

Nov., 1788

**The canvass**1789  
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As the time came on for the August elections, the ratification of the Constitution again became a burning question. Although the Federals had achieved such a decided victory in the Assembly, the Anti-Federals were not quiescent. They entered actively into the canvass to prevent ratification. Congress was dilatory in proposing the amendments desired by many of the states, and the antis were urging this nonaction on the attention of the people. But to the joy of the Federals, Madison brought forward a measure embodying the amendments, and that argument was silenced. As North Carolina was not a member of the Union, her people did not vote for either Congressmen or President, and the laws and authority of the United States did not extend to her. In the Tariff act, passed July 31, 1789, imports of merchandise from North Carolina paid the same duties as those from Europe, while her local productions entered free of duty; but later, a duty was imposed on "rum, sugar, and chocolate" produced in the State and imported into the United States; nor were United States courts provided for the State. The State judiciary was supreme. The judges and other officers who preferred to be independent of any Federal government lent their influence against ratification, and the public men were divided not only on that question, but as well on a proposition to make another issue of paper currency. There was a great commotion throughout the State, for there were no party organizations; and in addition to the Assemblymen five delegates were to be chosen for each county. As a consequence, there were great changes in the personnel of the membership, a majority of the Assembly being new members. While the Federals were hopeful that they had carried the Convention, yet the matter was in doubt and could not be ascertained until the body should convene. But now the current was running strongly for the Union. In September Con-



gress submitted the amendments to the states and there was no doubt of their adoption. The reason for delay had passed away. In the Convention of 1788 William Dickson was in the opposition. Just following the second convention he wrote: "I was convinced of the propriety as well as the necessity of yielding up some of the privileges we enjoy as freemen for the sake of a more permanent and efficient government, but I believe that the State of North Carolina would not have adopted the government of the United States for this principle only. It was a matter of necessity rather than choice. Virginia, though with much reluctance, and the other states around us having previously adopted the Federal plan, the State of North Carolina could not remain independent of the Union and support the dignity of the State itself. Had Virginia only stood out with us, I think North Carolina would not have been in of the Union yet." Such was the great reason why North Carolina abandoned the course mapped out by Willie Jones in 1788, and did not await the adoption of the amendments prior to ratification.

Dickson's  
letters

### The Federals successful

The Assembly met November 2 at Fayetteville, and organized by electing Caswell Speaker of the Senate and Cabarrus Speaker of the House, and their election indicated that the Federals were in the ascendancy, and this was still further assured when the Governor was reëlected. Many persons were members of both the Assembly and of the Convention and on the 14th the Assembly adjourned during the sitting of the Convention. On the 16th the Convention met. There was still a violent and virulent opposition to the Constitution, but the Federals were in control. It was well attended, there being 272 members present. The counties beyond the mountains were all represented and among the delegates was John Sevier. Halifax sent a solid Federal delegation. Governor Johnston was again chosen to

Nov., 1789



preside, and as he was unwell, Charles Johnston was elected Vice-president, the antis presenting Judge Spencer as their choice, but he was defeated.

Ratification

On November 17 the Convention resolved itself into a committee of the whole with Col. John B. Ashe in the chair, and four days were passed in considering the instrument. Judge Spencer, General Brown, McDowell, Kenan, Person, Yancey, Bloodworth, Strudwick, Lenoir, Graves, Pearsall, and Galloway were still opposed, but the Convention by a vote of 195 to 77 determined to ratify, at the same time adopting the twelve amendments submitted by Congress. Mr. Galloway offered some additional amendments to be presented by the Assembly, which also were adopted. The Convention, having by ordinance granted a member of the House to Fayetteville as a borough town, adjourned on November 22. North Carolina had been disassociated from her sisters since the formation of the new government in the spring, but now was again a member of the Union.

The election of Senators and Representatives and of the President had occurred nearly a year earlier, North Carolina having no part in the election of the first President, nor participating in the first session of Congress.

### **Davie in the Assembly**

In the  
Union

In the Assembly Davie, who represented the town of Halifax, was the leading member. He introduced many important measures. Now that the State was to be represented in Congress, he brought forward a bill to provide for the election of Senators, another for the election of five Representatives, one being allotted to the region beyond the mountains, the election to be held in February. The proposed amendments to the Constitution were at once ratified; and no further objection was made to the cession of the western territory. In the act passed to convey to the United States that territory, provision was made for the soldiers who were entitled to grants under former

laws; and it was stipulated that Congress should not interfere with slavery there.

1789

### The University

Many academies had been established in various parts of the State, and facilities for acquiring an education were within the reach of those who had the means to pay the expenses; but Davie was not content, and he developed the idea of building up a state university. At that time the leading institutions of learning were Harvard, Yale, Princeton, and William and Mary. Martin had often presented the subject of education to the Assembly and Hooper, Johnston, Iredell, and others had been warm in their advocacy of such measures. Davie's proposition to establish a university was doubtless the subject of much personal communication and received general coöperation. In a letter to Iredell, he mentions: "The university bill will certainly pass." There seems to have been no particular opposition to granting the charter: forty of the leading men were made trustees, and that was followed by a grant of certain debts due to the State and of all escheats. This was the first proposition for state aid to education, and one member was so opposed to it that he filed a protest. A bill was introduced to carry into effect the ordinance of the Convention of 1788 locating the seat of government, but again the friends of Fayetteville were successful in opposing it, and it failed by a single vote.

### Death of Caswell

While Caswell, Martin and some others were Federals, they formed a faction differing with Johnston, Iredell, Davie, and Hooper; and they generally held the popular ear. Indeed at times they advocated measures of temporary interest although violative of those sound policies which the other faction adhered to with persistence. Thus in 1789, when currency became scarce, there was a movement to

Death of  
Hooper,  
Maclaine  
and Penn

issue more notes, advocated by Person, the Blounts, and Caswell; but Caswell's sudden death deprived them of his aid, and the proposition fell through. On November 10 during the session, General Caswell, then Speaker of the Senate, died. A state funeral was accorded him, and the Assembly went into mourning for him for one month. Thus passed away a man who had been justly esteemed as one of the foremost of his contemporaries. A year later, in October, 1790, the State mourned the death of William Hooper, who was highly endowed by nature and was one of the most cultivated of the public men of America—who, indeed, earlier than the Revolution, had “cast his philosophic eye to the future” and beheld a new nation in the new world. And it was his fortune, as a signer of the Declaration of Independence, to have a chief hand in bringing the vision into reality. About the same time Maclaine, likewise a man of unusual endowments, but possessed of a biting tongue and violent prejudices, passed away; while earlier, in September, 1788, John Penn died at his home on Aaron Creek in Granville County in the 48th year of his age. He was just 35 years old when he signed the Declaration of Independence. He was born in Virginia and came to this State when 33 years old and quickly took rank with the other unusual men of that period. He was a lawyer, “possessed of genius and eloquence of a high order.” In 1780 he was one of the three men appointed as a Board of War to carry on the military operations of the State and he performed other distinguished services until his death, which was greatly lamented.

### **The Great Experiment**

The early Continental Congresses were composed of delegates voluntarily sent by the several colonies, each colony having a single vote; and the action taken was by “The Delegates of the United Colonies,” who, however, could only recommend.



When the colonies authorized their respective delegates to declare independence, each colony becoming an independent state, their delegates united in a "Declaration by the Representatives of the United States of America in Congress Assembled." And after that their action was by "The Delegates of the United States in Congress Assembled."

It was then proposed to unite the several states in a Confederation. The proposed agreement ran:

Articles of Confederation and perpetual Union between the States of New Hampshire, North Carolina, etc.

1. The style of the Confederacy shall be The United States of America.

2. Each state retains its sovereignty, freedom and independence and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled.

3. The said states hereby severally enter into a firm league of friendship with each other, etc.

By Article 13 no alteration was to be made in the articles "unless confirmed by the legislatures of every state." Each state had to adopt this Confederation. It was not until February 12, 1781, that Maryland adopted it and gave instructions to her delegates to sign the articles. On February 22, when Washington was closing in on Cornwallis, the delegates from Maryland appeared and took their seats; and March 1 was set for completing the Confederation. At 12 o'clock, Thursday, March 1, the hour arrived. The articles were in great formality signed and announced. "This happy event," said the *Gazette*, "was immediately announced by the discharge of artillery on land and the cannon on the shipping in the Delaware." At two o'clock the President of Congress received the congratulations of the Minister from France, the civil and military officers, and civilians. The evening was closed by an elegant exhibition of fireworks. The frigate *Ariel*, commanded by the gallant John Paul Jones, fired a feu de joie and was beautifully decorated." Now Congress was no longer a Congress of delegates but the Congress of the

March, 1781

Life of  
Thomas  
Smith  
(Konkle)  
135, 136

states, and the minutes were proudly headed: "The United States in Congress assembled."

#### Treaties

Treaties were entered into with foreign nations: one in April, 1783, between "The King of Sweden, of the Goths and Vandals, etc., and the thirteen United States of North America; to wit: New Hampshire, Massachusetts, North Carolina," etc., naming each of the thirteen. The other treaties were similar.

Great Britain, in her Treaty of Peace, in 1783, said: "Art. 1. His Britannic Majesty, acknowledging the said United States, viz: New Hampshire, etc., North Carolina, etc., (naming each) to be free, sovereign and independent states . . . that he treats with them as such," etc.

The Constitution proposed in 1787 closely followed the Articles of Confederation in many respects. It was to go into operation "between the states." It was to be amended only by the states; but it could be amended by three-fourths of the states. Each state had its equal representation in the Senate; and each state had its agreed number of representatives, and the President was to be elected by the states, each state appointing its agreed number of electors; and if no election then each state having a single vote. And "treason against the United States shall consist only in levying war against them."

#### The dual Government

But while the Union remained a confederation of the states, it was something more. The powers of government were divided into two parts, those relating to certain specified objects and purposes being vested in the Congress, all others remaining with the several states respectively. Powers of government could be conferred on Congress only by the people of a definite number of states. The government established thus became a part of the government of each state; and there was created a confederated union of states, not, however, a union of the people—so that there was no single political entity known as a nation created.



Indeed so foreign to each other do the states remain that the Constitution imposes the particular duty on the United States "to protect each state from invasion"; otherwise, apparently, a state might be invaded and conquered and the United States have no duty in the matter.

As heretofore said, in the original draft the word "National" was used, but later it was carefully eliminated, the purpose not being to form a nation of people but a union of states; and furthermore, when it was proposed in the Convention to confer on Congress the right to make a state observe the Constitution, the proposition was at once rejected.

Elliott's  
Debates

As originally drafted and adopted the Constitution began: "We, the people of New Hampshire," etc., "North Carolina," etc., (naming each of the thirteen states), "do ordain and establish," etc., but when the instrument was committed to the committee on style, it being evident that the language was inappropriate, since the Constitution was to go into effect between the first nine states that ratified it and there was no telling which states they would be, nor indeed that every state would eventually ratify it, the present form was adopted: "We, the people of the United States" that being the designation of the Confederacy, and in the plural, not singular, and it meaning—We, the people of the ratifying states now united. As North Carolina and Rhode Island did not ratify at first, the necessity of the change in language is apparent.

The sovereign power of establishing government and of changing its government was not relinquished by any state, and on the other hand Virginia, New York and Rhode Island, each, when ratifying the Constitution, expressly asserted its right to exercise that sovereign power.



The dual government thus formed when the people of the states, continuing their own state government, created this new government of specified but supreme power, by Congress, was a novelty; and it was called "The Great Experiment," and for a time it was not known how soon it would fall to pieces. But it has worked well when observed, and it has been considered the masterpiece of human wisdom.

## CHAPTER VIII

### IN THE UNION

The Federalists rejoice.—Congress extends laws.—Stokes appointed Judge, succeeded by Sitgreaves.—Representatives elected.—Abolition petitions.—The Senators execute conveyance of Tennessee.—Divergences in Congress.—State debts.—The trade.—Clash between the State and Federal courts.—The judiciary system altered.—The General Assembly.—The Assembly rejects oath to support Federal Constitution.—Dissatisfaction with Senators.—Another post route desired.—Proposition to fix Capital lost.—Martin again Governor.—Spruce McCay Judge.—Jones Solicitor-General.—The Dismal Swamp Canal chartered.—Grove and Macon elected Representatives.—The census gives the State ten members.—The population.—Powers by implication.—The settlement of Buncombe.—Asheville.—Washington's visit.—His notes of travel.—Goes through East, returns through West.

The vexed question of joining the Union being settled, the Federalists were full of rejoicing and looked with hope to the future; but still there were many of the inhabitants who were in doubt, and some were discontented.

Congress quickly took up the matter of regulating commerce in North Carolina and extended the tariff laws, but some months elapsed before it established the Federal courts in the State. It was supposed that Iredell would be offered the district judgeship for North Carolina; but there being a vacancy in the Supreme Court, the President appointed him to that high position. Later, Davie was offered the appointment of district judge which he declined; and Col. John Stokes was appointed. Judge Stokes, however, died in October, and Sitgreaves succeeded to the office. William H. Hill of New Hanover was the first district attorney.

All during the year there was excitement in the State over the action of Congress and much dissatisfaction, and although the issue which had divided the parties in the State had disappeared on the acceptance of the Constitution, yet the difference between the leaders and among the people remained.

The election of Representatives, which took place early in February, resulted in favor of candidates who adhered to the Federal party, except in the Cape Fear district where Timothy Bloodworth was chosen; the other Representatives were Hugh Williamson, John B. Ashe and John Steele of Rowan, and Sevier from across the mountains.

### **Tennessee ceded**

The Legislature on December 22, 1789, had passed a bill ceding the western territory to the United States. At that period there was an active society for the abolition of slavery and at the outset petitions had been offered to Congress to abolish slavery in the states; North Carolina therefore inserted in her cession a provision that "no regulation made or to be made by Congress shall tend to emancipate slaves." There was also a reservation of the right to locate military grants in a portion of the territory set apart for that purpose.

The Senators Governor Johnston and Senator Hawkins set out in January for New York. The former, arriving on the 28th, wrote: "My nerves have not yet recovered the shock of the wagon, though I came through in very good health, and less fatigued than I expected after from Baltimore to this place in less than four days. The roads were very bad and we rode much at night. Once it was near 12 at night before we arrived at our inn." The coaches were merely large wagons, the high sides and canopies supported by upright beams.

On February 25, 1790, the two Senators from North Carolina made a deed of the western territory to Congress reciting the above provisions, and on April 2, 1790, Congress accepted the deed and cession. Then the State became relieved of further embarrassment because of the western territory, which afterwards became known as Tennessee.



**In Congress**

1790

Almost all the members of Congress belonged to the Federal party; but the issue of ratification having passed away, divisions now arose on measures proposed in the Congress. There were divergences that naturally sprang up between New England and Virginia, between the North and the South. Washington, endowed with great natural sagacity, sought to nationalize his administration; and among the propositions brought forward was that of Hamilton to restore public credit by securing all public indebtedness; not only was the Continental debt to be funded, but the State debts were to be assumed. Anticipating the adoption of this program, the speculators hastened to buy at low prices all certificates, both Continental and State. Early in March the proposition passed the House by a majority of five; but there was a motion to reconsider, and the arrival of the North Carolina members was looked for with great interest. Senator Johnston was strongly opposed, and on April 6 he was able to write that Williamson, who had arrived, agreed perfectly with him, and had taken a conspicuous part in the debate. Then the others came, and by their votes the measure was defeated by two majority. Smarting under their defeat, the New England members became very sore and impatient. Their dissatisfaction was extreme. Finally, Jefferson arranged with Hamilton and Madison that two Virginia members should vote for "assumption" in consideration of the location of the Federal Capital on the Potomac. That trade was consummated, and the state debts were assumed.

The factions

The trade

As reasonable as was this measure in theory, it was unequal in its operation; and most of the certificates had been purchased by speculators, who reaped rich profit. It caused great dissatisfaction in North Carolina, which was largely increased by subsequent events.

### The Assembly

One of the chief objects the lawyers had in view at the last Assembly was to remodel the court system. Defeated at that time, they hoped for success at the approaching session. The Assembly organized on the first day of November at Fayetteville, with Gen. William Lenoir Speaker of the Senate and Stephen Cabarrus Speaker of the House. Governor Martin in his message urged a reform in the judiciary system, indicating the necessity for an additional judge; he also directed attention to the desirability of another post route, the only one being confined to the seaboard towns.

Judicial conflict

November,  
1790

Just prior to the meeting of the Assembly there was the first clash between the State and the Federal judiciary. A suit had been brought by some British subjects against Judge Iredell and Mr. Collins as executors of R. Smith. A certiorari was issued from the Federal Circuit Court by direction of Judges Wilson, Blair and Rutledge to the judges of the State Superior Court to bring the suit up to the Federal court. The North Carolina court declined to obey and on November 19 presented an account of the matter to the Assembly with a statement of their reasons for declining to obey the writ. The Assembly approved their action, although there was a protest against its decision. That ended the matter.

New judicial system

It was at the instance of the judges rather than of the dissatisfied lawyers that the court law was amended, and another judge was provided for. The State was thereupon divided into two circuits; four districts at the west constituting one, and those of Halifax, Edenton, and Wilmington the other. Two judges were to attend each court, but such changes were to be made that the same two judges should not hold the same court successively. It was the duty of the Attorney-General to attend each court, but under this new arrangement it became necessary to have an additional



attorney to act for the State, and provision was made for a Solicitor-General who should have equal authority with the Attorney-General. It was directed that these two officers should arrange the legal business in such manner as would be most convenient for them.

The labors of the judges were lessened by giving exclusive jurisdiction to the county courts of all indictments for assaults, batteries and petty larcenies and for actions of slander. There was a further enactment that no process or judgment in any civil cause should be arrested or quashed for any defect or want of form; and the courts were empowered to amend all defects at any time upon such conditions as they might impose.

As Tennessee was cut off, it now became necessary to provide for an election of five Representatives from the State for the next Congress, and the counties were arranged into "the Albemarle, the Roanoke, the Center, the Yadkin, and the Cape Fear divisions." From Mecklenburg to the Virginia line formed the Yadkin division; the district of Hillsboro together with the counties of Franklin and Warren formed the Center division. The election was ordered for the last Thursday in January. The districts

In the Assembly there was much irritation displayed in reference to Federal affairs. The judges were applauded for their action in the certiorari matter.

The proposition to require the State officers and members of the Assembly to take an oath to support the Constitution of the United States was rejected by a vote of 55 to 26. S. R., XXI,  
21 And an act was passed disqualifying all persons who should hold an office under the authority of the United States from holding any office of the State. And it was particularly declared that Senators and Representatives should be considered as coming within the meaning and purview of the act, and they were made ineligible to State appointments.

Resolutions were considered in committee of the whole about the propriety of giving instructions to Senators John- Instructions



S. R., XXI,  
1055

ston and Hawkins, whose conduct was displeasing to the Assembly. More resentment seems to have been felt towards Hawkins than Governor Johnston. Neither Senator attended the Assembly, while under the Confederation the delegates either attended or wrote giving an account of the action Congress had taken. Steele and Williamson appear to have been present at the session, and Williamson brought forward some project to defeat the Assumption Act; that, however, miscarried. The resolutions adopted contained a protest against the assumption of the debts of the several states, and a declaration that the Senators and Representatives should request the advice of the Assembly to prevent injuries that might arise to the State of North Carolina. In their resolutions they referred to the confidence they had in the integrity and industry of the Senators, but expressed their disappointment at their action.

Ibid., 962

The Senators were directed to use unremitting exertions to abolish secret sessions, to correspond regularly and constantly with the Legislature and the Governor, and to have the journals printed and transmitted at least once a month. They were to use their utmost endeavors to effect economy and to decrease the monstrous salaries of public officers, who ought not to be enriched with the bounty of regal splendor, and they should strenuously oppose every excise and direct taxation law. Also they were required to endeavor to have another post route established through the State, and another Federal court held in the State.

Governor Martin as president of the Board of Trustees of the University presented a memorial urging a loan to that institution for the purpose of erecting needed buildings. Such a proposition was offered, but it was resolved that the bill lie over till the next Assembly. Then on motion of General Person the bill was directed to be printed together with the yea and nay vote for the delay, and annexed to the laws and also published in the *Gazette* so that the people could better consider it.

Again the proposition to give effect to the ordinance of the Convention fixing the seat of government failed. In the House it passed by the casting vote of the Speaker, but in the Senate it failed by the deciding vote of Speaker Lenoir.

1790

The Assembly once more manifested its full confidence in Governor Martin by reëlecting him to the executive chair. Judge McCay was elected the additional judge; and Edward Jones, a man of unusual attainments, Solicitor-General.

### The Dismal Swamp Canal

In December, 1786, at a meeting in Fayetteville of the commissioners appointed by the states of Virginia and North Carolina terms were agreed on for a compact between the states making free to both states the waters of the Roanoke, Chowan, etc., to the mouth of the Pasquotank, and the Chesapeake Bay to the capes, Hampton Roads, etc., with no duties on imports and exports, preliminary to the construction of a proposed Dismal Swamp Canal. This commission dealt with some of the matters that led to Virginia's proposition for a revision of the Articles of Confederation, and now after four years a company to construct the proposed canal was chartered. Its capital was to be eighty thousand dollars, 320 shares of \$250 each. The canal was to be cut from Deep Creek in Virginia to the Pasquotank River, to be 32 feet wide, 8 feet deep, and it was to be supplied with water from Drummond Lake. The compact between the states with regard to it was made unalterable and not subject to repeal without the consent of Virginia.

Acts 1790,  
ch. 26,  
Martin's  
Revisal, 500

### Grove and Macon in Congress

At the Congressional election, Bloodworth, an anti, was defeated by William Barry Grove, a nephew of Mr. Hay



and a man of parts, and Nathaniel Macon was elected in the Warren District. While Macon disavowed belonging to any party, he had been associated with the antis and in the Congress he was a Southerner and coöperated with those who later classed themselves as Republicans in opposition to the clique who were charged with hoping for a monarchy and strong government.

The census

1791

While the census was to be taken in 1790, apparently, the enumeration was not concluded in North Carolina until in January, 1791. It was taken by deputy marshals, but their duties were imperfectly performed so that the result was not entirely reliable. However, it was found that North Carolina had so many more inhabitants than members of the Constitutional Convention had thought that her representation in Congress was increased from five to ten; and later, ten districts were laid off. The population in the State was stated as being, whites 288,204; free blacks, 4,975; slaves 100,572; while that of Tennessee was 32,013; 361; and 3,417. Of all the states Massachusetts alone reported no slaves. In Maryland, Virginia, South Carolina and Georgia, the whites were only twice as numerous as the slaves; but in North Carolina there were nearly three whites to one slave; and in the western half of the State the number of slaves was relatively small, there being 70,000 in the eastern counties and only 30,000 at the west, where the whites were more numerous.

The attitude of the Assembly towards the delegation in Congress was not without its effect. There was no further cause of complaint that members were silent or inattentive. Letters came pouring in and the changes were rung on the assumption of state debts, funding the national debt, and the excise tax, subjects of particular interest to the people of the State; and when in July, 1791, it was proposed to establish a national bank, the fundamental structure of the new government which had previously been so intently considered was again examined. It was urged



that if powers by implication were allowed, any power could be implied, and thus almost at the beginning, public men differed on powers by implication.

### **The settlement of Buncombe**

Settlers had early pushed far to the west across the mountains into Tennessee at the north, but the Cherokees held the mountain country at the south. It was not until about 1781 that settlers around Old Fort began to cross the mountains into the Swannanoa Valley. Among the first was Samuel Davidson and his family, including one negro woman slave. The Indians killed him, but the Davidsons, Smiths, Alexanders and Edmundsons persisted. Rutherford County and Burke embraced the territory, but in 1791 the county of Buncombe was incorporated by the Assembly, so named in honor of Col. Edward Buncombe, born in St. Kits, a resident of that part of Tyrrell County now in Washington County, a distinguished patriot during the Revolution, who was killed at the battle of Germantown. The county seat was fixed at Morristown, a site laid off by John Burton on his land, but in 1795 the residents began to call it Asheville, in honor of the then Governor—a leading Anti-Federalist. Its climate and situation and the progressive spirit of its citizens have given it a fame that makes it one of the best known localities of the South.

### **The State as Washington saw it**

The President had in the autumn of 1790 made a tour of the North and in the spring of 1791 he visited the Southern States. Leaving Mount Vernon April 7, he reached there on his return the 13th of June. While some few persons were aware that General Washington proposed to make this tour of the South, the date and his movements were not generally known. He traveled in his own carriage and without ostentation and expected to find entertainment at taverns along the road. It was not his wish to be enter-

tained or to be accompanied by troops of horsemen. While here and there, there were those who were at variance with the General because of his advocacy of the new government, the common feeling must have been one of gladness at his presence in the State.

1791

Trade at  
HalifaxWashington's  
diary

Tarboro

New Bern

Halifax was the first town he came to in North Carolina, he reaching there about six o'clock on the evening of Saturday, April 16. "To this place vessels, by the aid of oars and setting poles, are brought for the produce which comes to this place and others along the river, and may be carried eight or ten miles higher up to the falls which are neither great nor of much extent. The town seems to be in a decline and does not, it is said, contain a thousand souls. Colonel Ashe, the Representative of the district, and several other gentlemen, called upon and invited me to partake of a dinner which the inhabitants were desirous of seeing me at, and, accepting it, dined with them accordingly." The next night he spent at Tarboro. "This place is less than Halifax, but more lively and thriving. Crossed the Tar on a bridge of a great height from the water. Corn, pork and some tar are the exports from it. We were received at this place by as good a salute as could be given by one piece of artillery. . . . At 6 o'clock I left Tarboro accompanied by some of the most respectable people of the place for a few miles. Greenville is on the Tar River, and the exports the same as from Tarboro, with a greater proportion of tar. This article is rolled as tobacco by an axis which goes through both heads—one horse draws two barrels in this manner." At Greenville a small party of horse under Colonel Simpson joined the General, and although he sought to keep them from accompanying him, for he did not desire to be so attended, they kept with him to New Bern. At the ferry over the Neuse, ten miles from New Bern, "we were met by a small party of horse, the district judge, Judge Sitgreaves, and many of the principal inhabitants, who conducted us into town to ex-



ceedingly good lodgings. . . . Vessels drawing more than nine feet can get up loaded. . . . The buildings are sparse and all of them of wood—some of which are large and look well. . . . The number of souls is about 2,000. The exports consist of corn, tobacco, pork, but principally of naval stores and lumber.” The next day “dined with the citizens at a public dinner given by them and went to a dancing assembly in the evening, both of which were at what they call the palace; a good brick building, but now hastening to ruins. . . . The company at both was numerous, at the latter there were about seventy ladies.” While at New Bern he wrote: “Upon the river Neuse and 80 miles above New Bern, the Convention of the State made choice of a spot, or rather district, within which to fix the seat of government; but it being lower than the back members of the Assembly, who hitherto have been most numerous, inclined to have it, they have found means to obstruct it; but since the cession of the western territory it is supposed that the matter will be revived to good effect.” On Friday, 22d, he left New Bern under an escort of horse and many of the principal inhabitants, went through Trenton. On Saturday he made 44 miles and then, after proceeding sixteen miles on Sunday morning, he was met by a party of light-horse from Wilmington and, later, by a committee and other gentlemen of the town. When he arrived at two o’clock, they fired a Federal salute, and escorted him to very good lodgings and then he dined with the committee at their invitation. The road from New Bern to Wilmington “passes through the most barren country I ever saw.” Wilmington “has some good houses, pretty compactly built, the whole under a hill, which is formed entirely of sand. . . . The number of souls by the enumeration is about 1,000,” but he mentioned that the census was badly taken. “Wilmington has a mud bank over which not more than ten feet of water can be brought at common tides, yet vessels of 250 tons are said to have come up. Shipping annually about

Wilmington



Chronicles of  
Cape Fear,  
208

1,200 tons. Exports chiefly naval stores and lumber, some tobacco, corn, rice, flax seeds with pork. Inland navigation to Fayetteville. . . . Fayetteville is a thriving place, 6,000 hogsheads of tobacco, 3,000 of flax seed. Monday dined with the citizens of the place at a public dinner given by them; went to a ball in the evening at which there were 62 ladies, illuminations, bonfires," etc. A letter written by Mrs. Simpson, April 25: "Great doings this day, General Washington arrived yesterday. The light-horse went to meet him. The artillery were ready to receive him with a round from the batteries, four guns. This day he dines with the gentlemen of the town; in the evening a grand ball and illuminations; tomorrow takes his leave. Half-past four; just going to dinner; cannon firing. Cherry and children all gone to see the procession. I must get the candles. Mrs. Quince has given up her house to the General, and she stays with our uncles."

The President left the next morning "accompanied by most of the gentlemen of the town" and about noon next day he crossed the line into South Carolina.

#### **On return—Charlotte**

The General on May 27 struck the North Carolina line south of Charlotte about five o'clock in the morning and reached Charlotte before three o'clock. "On entering the State of North Carolina, I was met by a party of Mecklenburg horse, but these being near their homes I dismissed them. . . . Dined with General Polk and a small party invited by him, at a table prepared for the purpose." Charlotte was then a very small village, "though the court of Mecklenburg is held in it. There is a school called a college in it at which at times there has been 50 or 60 boys. . . . Left Charlotte Sunday morning," and the next day he was met by a party of horse of Rowan County that had come from Salisbury to escort him—and when five miles from Salisbury was met by the Mayor and the Corporation, Judge

McCay and many others. "The lands between Charlotte and Salisbury are very fine and the first meadows I have seen since I left Virginia; and here also we appear to be getting into a wheat country. . . . Dined at a public dinner given by the citizens of Salisbury and in the afternoon drank tea at the same place with about twenty ladies.

"Salisbury is but a small place, although it is the county town, and the district court is held in it. There are about 300 souls in it and tradesmen of different kinds. . . .

May 31—Left Salisbury and about four o'clock arrived at Salem, one of the Moravian towns, about 35 miles from Salisbury. . . . Salem is a small but neat village, and

Salem

like all the rest of the Moravian settlements is governed by an excellent police, having within itself all kinds of artisans.

The number of souls does not exceed 200." June 1 he

passed at Salem. "Spent the forenoon in visiting the shops

of the different tradesmen, the houses of accommodation for the single men and sisters of the Fraternity, and their place

of worship. Invited six of the principal people to dine with

me, and in the evening went to hear them sing, perform on

a variety of instruments—church music." There he was

joined by Governor Alexander Martin. The next day, ac-

companied by Governor Martin, he dined at Guilford where

there was a considerable gathering of people. "On my way,

I examined the ground on which the action between Gen-

eral Greene and Lord Cornwallis commenced, and after

dinner rode over that where the lines were formed and the

score closed in the retreat of the American forces. The

first line of which was advantageously drawn up, and had

the troops done their duty properly the British must have

been sorely galled in ye advance, if not defeated. The lands

between Salem and Guilford are in places very fine. On

my approach to this place I was met by a party of light-

horse which I prevailed on the Governor to dismiss, and

to countermand his orders for others to attend me through

the State. . . . In conversing with the Governor on the

Public senti-  
ment



state of politics in North Carolina, I learned with pleasure that the opposition to the general government and the discontent of the people were subsiding fast, and that he should, as soon as he received the laws which he had written to the Secretary of State for, issue his proclamation requiring all officers and members of the government to take leave of the Governor, whose intention was to attend me the oath prescribed by law. . . . Friday 3. Took my to the line, but for my request that he would not. Having this day passed the line of North Carolina and, of course, finished my tour through the three southernmost states, a general description of them may be comprised in the following few words: From the seaboard to the falls of all the rivers which water the lands, except the swamps on the rivers and the lesser streams which empty into them, and the internal land higher up the rivers, is with but few exceptions, neither more nor less than a continued pine barren, very thinly inhabited. The next part, the seaboard for many miles is dead level and badly watered. That above it is hilly and not much better than barren."

### Conditions

1791

He mentioned as being cultivated in South Carolina, rice, corn, sweet potatoes and in the up-country—tobacco, corn, hemp and some smaller grain, and the same in North Carolina, "except instead of rice, corn, some indigo, with naval stores and pork, but as indigo is on the decline, hemp and cotton are grown in its place. The prices of land in the lower part of the State are very great, those improved from 20 to 30 pounds sterling and from 10 to 15 pounds in its rude state. The lands of the upper counties sell from four to six or seven dollars. In the upper parts of North Carolina wheat is pretty much grown, and the farmers seem disposed to try hemp; but the land carriage is a considerable drawback having between 200 and 300 miles to carry the produce either to Charleston, Petersburg or Wilmington.



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Excepting the towns and some gentlemen's seats on the whole road I traveled from Petersburg to this place, there is not a single house which has anything of elegant appearance. They are altogether of wood and chiefly of logs, some indeed have brick chimneys, but generally the chimneys are split sticks, filled with dirt between them. . . . The people, however, appear to have abundant means to live well, the grounds where they are settled yielding grain in abundance. The manners of the people, as far as my observation and means of information extended, were orderly and civil, and they appeared to be happy, contented and satisfied with the general government, under which they were placed. Where the case was different, it was not difficult to trace the cause to some demagogue or speculating character."

## CHAPTER IX

### THE NEW CAPITAL

The Assembly November, 1791.—The Assembly takes the oath to support Federal Constitution.—Commission appointed to locate the capital.—Ten thousand dollars lent to University.—Political fears.—Washington assents to reëlection.—Commissioners meet to locate capital.—Lane conveys 1,000 acres near Wake Courthouse.—The City of Raleigh.—Trustees locate the University.—Committee to erect buildings for fifty students.—The new districts change all Representatives but Grove and Macon.—Spaight Governor.—Martin replaces Johnston in Senate.—Matters of concern.—Indians, England, France.—Genet.—The French privateers.—At Wilmington.—Eli Whitney invents the cotton gin.—Cotton and tobacco.—Haywood Judge.—Spencer's death.—New Assembly.—The palace sold.—Hatteras lighthouse.—Fort at Smithville.—Importance of Ocracoke.—The University.—A principal to be chosen.—Rev. David Kerr taken.—Hinton James the first pupil.—The State press.—Divergences.—Chisholm v. Georgia.—The opinions of the judges.—Iredell's principles.—The Constitutional Amendment.—States' rights in issue.—The Republicans elect all Representatives but Grove.—In December, 1794, the Assembly meets in the new State House.—No town at Raleigh; few houses.—Bloodworth Speaker of House and U. S. Senator.—Importation of slaves prohibited except servants accompanying their owner.—Other legislation as to negroes.—County fairs provided for.—Organization of the Protestant Episcopal Church.—Rev. Charles Pettigrew chosen Bishop but never consecrated.—Jay's Treaty.—Republicans strengthened.

#### The oath of allegiance

1791

When the session of the Legislature opened at New Bern on December 5, 1791, the members made no change either in the Governor or the speakers. But now having received copies of the Acts of Congress, there was early passed "an act for altering the oath of allegiance to the State," by which "every person elected to any public office shall take an oath that he will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof, and that he will endeavor to support, maintain and defend the Constitution of



said State, not inconsistent with the Constitution of the United States, and that members of the Assembly shall take said oath, and also an oath to support the Constitution of the United States." And the members afterwards took that oath.

Acts 1791,  
ch. 11,  
Martin's  
Revisal, II,  
12

### **To locate the capital**

Under the treaty with Great Britain, provision had been made to secure the rights of British subjects in confiscated property; and the Assembly as a remedy against hardship agreed to reimburse those who had purchased confiscated lands and could not hold them. And now that the territory beyond the mountains had no voice, and Fayetteville's influence was not so strong, the Assembly appointed ten commissioners, one for each congressional district, to carry into effect the ordinance to locate the Capital and lay off a plan for a city in Wake County. Similarly, the Assembly took a forward step in regard to the University. The board needed more funds before beginning earnest work, the provision theretofore made being inadequate. Again Davie was successful. His eloquent appeal to the Assembly was long remembered. Ten thousand dollars was lent from the Treasury, by a vote of 57 to 53 in the House, and 28 to 21 in the Senate. Of those who voted for it in the House, Bloodworth should be mentioned, and in the Senate, Lane of Wake and General Person.

Davie pro-  
motes the  
University

### **The presidential election**

In the year 1792 there was to be a presidential election. The divergences among the public men were so sharp that Jefferson wrote to General Washington urging him to allow himself to be reëlected. He emphasized that "a squadron" having the deciding voice in Congress had the design to get rid of the limitations of the Constitution with the ultimate object of changing the republican form of government

1792



Jefferson's  
Works, IV,  
362

The Capital  
located

The  
University

to that of a monarchy modeled after the British Constitution. For himself he declared: "I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts." He pointed out that that might happen and he therefore urged Washington to accept a re-election as he could prevent the people from being led "into secession." Such apprehensions were rife for "the Great Experiment" was still in the experimental stage, and the people had fears of the future. Fortunately Washington assented, and at the election the Republicans gained a strong ascendancy in Congress, so that thoughts of a monarchy, if entertained, were abandoned. It was in the midst of these political movements that the commissioners met about the last of March to locate the capital. Only six attended. They selected an eligible location near Wake Courthouse and a deed was executed by Joel Lane, conveying to Governor Martin 1,000 acres, near the center of which was a hill that was chosen as the site for the Capitol building. A plan of the city was at once laid off, with five large public squares reserved, the central one, called Union Square, was for the Capitol; and the others were named Caswell, Moore, Nash and Burke, and acre lots were sold off at public auction. When, later, the report of the proceedings was made to the Assembly it was confirmed, and by the act of the Assembly the town was named "The City of Raleigh."

In like manner, the Trustees of the University met at Hillsboro, 25 out of the 40, on the 1st of August, and agreed that the location should be within a circle of fifteen miles from Cyprett's bridge, on the main road from New Bern to Pittsboro, and pursuant thereto a committee met at Pittsboro on November 1, and on November 6 selected a hill known as New Hope Chapel Hill, where a chapel had been erected in former times, at the crossing of the great roads north and south, east and west. The owners of much land near by offered a considerable quantity of land if that site should be selected. The commissioners made

their report to a committee consisting of Davie, McCorkle, Jones, Ashe and Sitgreaves and their action was approved and ratified; and a building committee was appointed to lay out a town, sell lots and erect buildings to accommodate fifty students.

At the election for Representatives in Congress, it was found that in making the districts the counties had been so arranged that disaster befell Williamson and Ashe and Steele. Of the former representatives only Grove and Macon were retained. In the presidential election, North Carolina, like Virginia, gave her electoral votes to Washington and to Clinton of New York, the latter being a states' rights advocate.

The election

### The Assembly

In November, 1792, the Assembly met at New Bern. The same speakers were reelected and the full constitutional period that Governor Martin could serve being completed, Richard Dobbs Spaight was chosen Governor, his term beginning December 14, 1792; and Martin was elected Senator in Congress in the place of Sam Johnston. This was a severe blow to the Federalists for Johnston was at the head of that party in the State and had long been the commanding figure in political action, while in the Senate he had taken rank with the foremost of the Senators. Martin was not equal to him in solidity of character and attainments, but he was of such superior excellence that his appointment was likewise highly creditable to the State, and altogether he had served six years as Governor of the commonwealth.

1792

Spaight,  
Governor

And now Spruce McCay was added to the Superior Court.

The new Governor, Spaight, had been educated at the University of Glasgow and was entitled to high consideration because of his talents and accomplishments. He was the first native of the State to be chosen Governor. The early months of his term brought new matters to public at-



Genet's  
action

tention. An Indian war threatened, and preparations were made at the west for rendering aid to Georgia. Moreover, foreign matters brought concern. Naturally, popular feeling was with France, now a republic, in her struggle against monarchical Europe, while the British government had aroused patriotic hostility. In April Citizen Genet arrived at Charleston and was warmly received. Instead of passing on to the seat of government at Philadelphia and presenting his credentials to President Washington, he began to fit out privateers. Washington proclaimed neutrality; but Genet ignored Washington and relied on popular support. Genet purchased vessels and armed them and sent them out to prey on British commerce. At Wilmington, the *Hector* was purchased to be delivered June 1 on the high seas. She sailed from Charleston a few days later with her armament in her hold and, entering Georgetown, was fully equipped as a privateer, her name being changed to the *Vanquer de Bastille*. Sallying out, she fell in with an English merchant vessel which she captured and brought into Wilmington as a prize. At once Governor Spaight ordered Colonel Campbell of the New Hanover militia and Colonel Smith of the Brunswick militia, to call out their militia and seize both the *Hector* and the prize and hold them, and orders enforcing vigilance were given to the colonels of the seaboard counties. Similarly, other French privateers were fitted out at Charleston, and even at Philadelphia. The people were now divided in their sympathies. Eventually Genet was recalled, but while a successor was substituted, he himself preferred to remain in America, where he resided the rest of his life.

Privateers

The cotton  
gin

It was during this period of trouble that a very important invention was made by Eli Whitney, a native of Massachusetts, who had for some years been employed near Savannah. The drift away from slavery had perhaps been strengthened by the French Revolution and its motto of fraternity and equality, emphasizing the brotherhood of man. The



Southern States were now prohibiting the introduction of negroes from abroad. But when this invention of Whitney's, the cotton gin, by which the seed of cotton were readily separated from the lint, was perfected, the possibilities of cotton culture became realized. In 1790 no cotton was exported from the United States. Up to then patches of cotton were grown chiefly for local use. But on the introduction of the cotton gin, exportations began; at first, in 1794, only a million and a half pounds; the next year, five millions; and slave labor at the far South became remunerative. The world needed cotton for clothing, and the South supplied it. Tobacco had already played a great role in American commerce, and now cotton was to become its twin southern sister.

1793

Cotton

### State affairs

On the 24th of June, 1793, John Haywood was commissioned a judge of the Superior Court, perhaps because of the inability of Judge Spencer to attend the courts; and the next year, on Spencer's death, Haywood permanently replaced him. Judge Haywood was considered one of the greatest criminal lawyers of his generation.

The Assembly met at Fayetteville in November. Its tone was unchanged; Spaight was reëlected Governor. Lenoir and Leigh were the speakers. Among the acts passed was one allowing slaves in certain cases to have a jury trial, and another to sell the palace at New Bern. That last vestige of Royal rule was thus disposed of. A second session of the same Assembly was held in July, 1794, at New Bern, at which the title to four acres of land was vested in the United States at Hatteras for the purpose of constructing a lighthouse there; and land was ceded at Smithville for a fort, and subsequently the United States took possession. However, the State had previously had a lighthouse at Ocracoke; and it was claimed that two-thirds of the commerce of the State passed through Ocracoke. This was

1793

The palace  
sold

the last of the perambulatory legislatures. The Capitol building at Raleigh had now been sufficiently completed for occupancy, and the next meeting was to be held in it.

The  
University

1794

Battle: Hist.  
Univ., 65

Progress had been made at the University, the bricks being burnt on the land and the lime made from oyster shells brought from the Cape Fear by way of Fayetteville and burnt on the premises. The Trustees met on the 10th of January, 1794, to select a principal, and from half a dozen distinguished ministers, among them Rev. John Brown, afterwards President of the University of Georgia; Rev. James Tate, a famous educator of the Cape Fear; Rev. George Micklejohn of Regulator fame; Dr. McCorkle, a distinguished teacher of Rowan County, and Rev. David Kerr, the Presbyterian pastor and school-teacher at Fayetteville, they chose the last named. The opening day was to be January 15, but it was not until February 12 that the first pupil, Hinton James, arrived, coming from Wilmington; and then a fortnight elapsed before three others arrived, also from Wilmington, the sons of Alfred Moore, later justice of the Supreme Court, and their cousin, Richard Eagles. Others soon followed; and at the end of the term the number had increased to 41.

### The press

From 1785 there had been steady increase in the number of presses and newspapers in the State. Indeed, Abram Hodge alone had presses at New Bern, Edenton, Halifax and Fayetteville, and was instrumental in establishing three newspapers. He was in five different firms, and at his death had served the State for fifteen years as "Printer to the State." The printers generally had book stores, and they were instruments in distributing publications made by their patrons; and as it was in their line of business to promote publications, they fostered the practice of reaching the public through such means. Indeed Davis, Martin and Hodge contributed much to broaden and strengthen the



intellectual advancement of North Carolina. Before the close of the century presses had been set up, besides those above mentioned, at Wilmington, Hillsboro, Salisbury, Lincolnton and the "City of Raleigh."

Weeks: The  
Press of  
N. C., 39,  
43, 49

### States' rights

At the election that year the divergence between the Republicans under the leadership of Jefferson and the Federalists under that of Hamilton became more pronounced than ever and a decision rendered by the Supreme Court brought the academic question of states' rights into the realm of reality and aroused the people who feared for their former liberties. In 1792, Chisholm, a citizen of South Carolina, as executor, having some unascertained claim against the State of Georgia, brought suit against that State in the Supreme Court of the United States. The Court took jurisdiction and, Georgia not appearing, gave judgment by default. In the proceeding the several justices of the Supreme Court filed opinions in which the differing views expressed as to the nature of the government under the Constitution illustrate the divergence of thought at that early period. Chief Justice Jay said: "The people of the several colonies being subjects of Great Britain were fellow subjects and in a variety of respects one people. . . . From the Crown of Great Britain the sovereignty of their country passed to the people of it. Afterwards in the hurry of the war they made a confederation of states and then the people in their collective and national capacity established the present Constitution. They declared with becoming dignity—'We, the people of the United States do ordain and establish this Constitution.' Here we see the people acting as sovereigns of the whole country, and in the language of sovereignty establishing a constitution, by which it was their will that the state governments should be bound, and to which the state constitutions should be made to conform. Every state constitution is a compact

Chisholm vs.  
Georgia

1794



made by and between the citizens of a state to govern themselves in a certain manner; and the Constitution of the United States is likewise a compact made by the people of the United States to govern themselves as to general objects in a certain manner. By this great compact, however, many state prerogatives were transferred to the national government."

Judge Wilson said: "The people of the United States were the citizens of her thirteen states, connected together by articles of confederation. The articles of confederation, as it is well known, did not operate upon individual citizens, but operated only upon states. Before that time the Union possessed legislative, but unenforced legislative power over the states. Whoever considers, as a combined and comprehensive view, the general texture of the Constitution, will be satisfied that the people of the United States intended to form themselves into a nation, for national purposes. They instituted, for such purposes, a national government, complete in all its parts, with powers legislative, executive and judicial; and in all these parts extending over the whole nation." Judge Wilson's argument was much stronger than that of the Chief Justice.

Iredell's  
opinion

1794

The opinion of Iredell, a leading and staunch Federalist, was different. As a legal argument on the point in the case it was much superior to that of the Chief Justice; and in what reference he made to historical events he was much more accurate than any of the other justices. "A state does not owe its origin to the government of the United States. It was in existence before it. . . . A state, though subject in certain specified particulars, to the authority of the government of the United States, is, in every other respect, totally independent of it. . . . Every state in the Union, in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States is in respect to the powers surrendered. . . . The United States are sovereign as to all

the powers of government actually surrendered; each state in the Union is sovereign as to all the powers reserved." He said that the court had no jurisdiction; that Congress had not attempted to confer such jurisdiction on the court, nor did the Constitution provide that states might be sued by individuals. And in this he was but reiterating what he and others had earlier declared. He had earlier said as to any coercive power over states as states: "No man of common sense can any longer contend for that"; and to the same effect had John Marshall, afterwards the famous Chief Justice, expressed himself in the Virginia Convention: "I hope no gentleman will think that a state will be called at the bar of the Federal Court. It is not rational to suppose that the sovereign power will be dragged before a court." And Maclaine, a most violent advocate of ratification, had spoken in the North Carolina Convention to the same effect. But Iredell was overruled, and judgment by default was entered against the State of Georgia. Immediately on March 5, 1794, a representative from Massachusetts proposed in Congress a constitutional amendment: "That the judicial power of the United States shall not be construed to extend to any suit commenced against a state by citizens of another state." And Congress speedily passed the proposed amendment, and it came at once to the states for ratification and was ratified. The command was so positive that it was as if the states had raised a clenched fist at the court, commanding: "Don't you do that again!" In North Carolina, Davie agreed with Iredell, and the Republicans, now backed by these, took strong ground, and Iredell's dissenting opinion became the very foundation stone of the states' rights doctrine. The states had every attribute of sovereignty not specifically delegated to the common government which the states had established between themselves, and among the powers delegated there was no mention of the coercion of a state. The Republicans were successful at the election;

Judge  
Marshall

The Consti-  
tution  
amended



indeed so successful that only one Federal, Grove of Fayetteville, was elected a representative in Congress.

### **The first Assembly at Raleigh**

1794

Raleigh

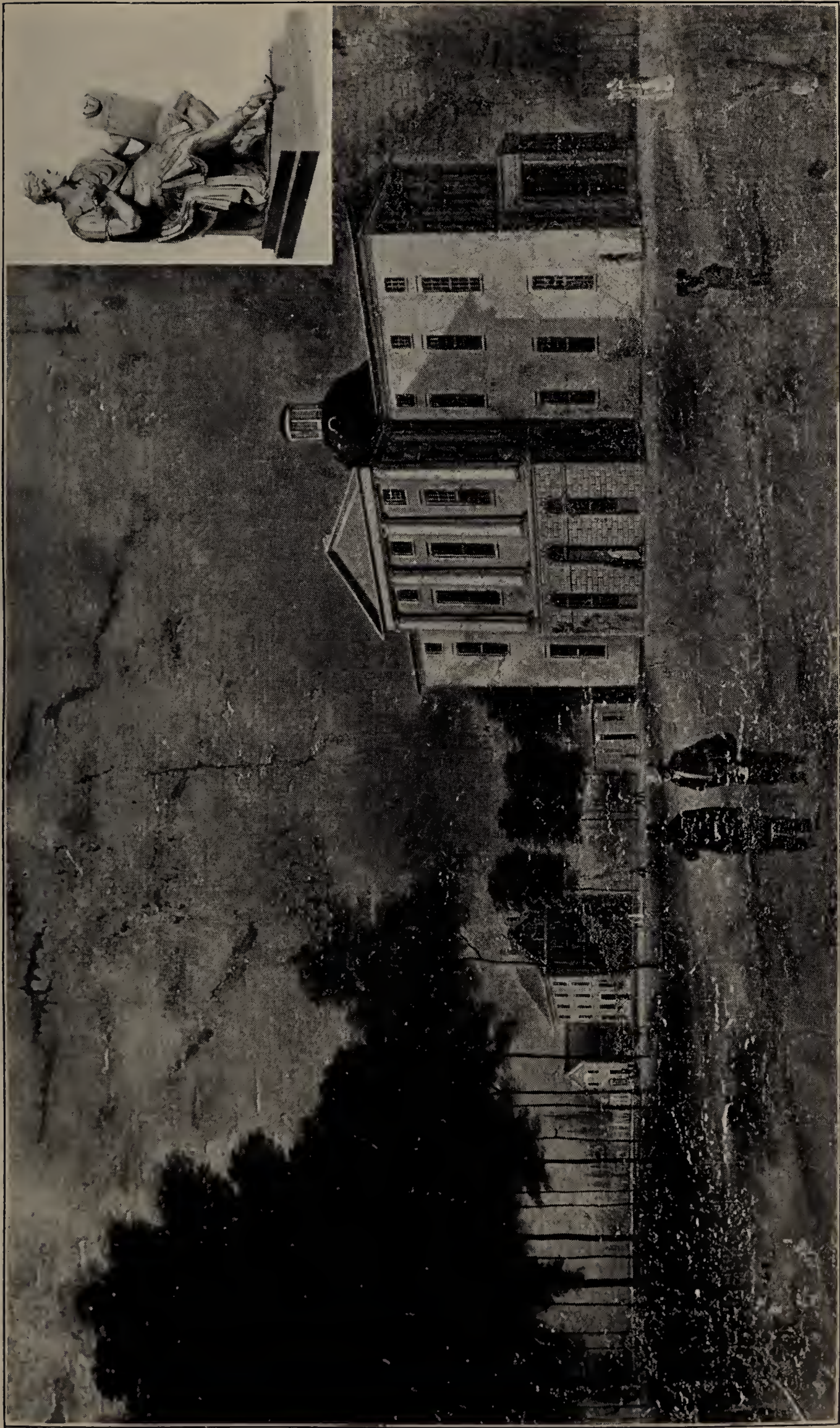
Bloodworth  
Senator

At last, on December 30, 1794, the State House at Raleigh being then sufficiently complete, the Assembly met in the permanent capital of the State. The State House, described as an ugly pile of brick and wood, without porch or ornament, was built by Rhodes Atkins. The plan was similar to that of the later edifice. But while there were in the building rooms for the State officers, there were no residences for the Governor and other State officers to occupy. As yet there was no town, but a tavern or two had been erected, and necessarily the members had to come from their homes either on horseback or in private conveyances; theretofore, the Assembly had convened in towns with some accommodations, and this must have been a very uncomfortable experience. At this first memorable occupancy of the Capitol, 1794, Governor Spaight was re-elected, and Lenoir as Speaker of the Senate; but Timothy Bloodworth, the positive Republican, was chosen by the House. The Legislature ratified the proposed amendment to the Constitution, which later became the Eleventh Amendment. Then when the election was held for United States Senator, to succeed Hawkins, Bloodworth was chosen by a single vote over Alfred Moore. They were both from the Cape Fear country; Moore distinguished in every walk in life, and Bloodworth, although known as the blacksmith politician, had the elements of a fine manhood in him and drew the Republicans around him.

### **Importation of slaves restricted**

And at this Assembly a noteworthy step was taken in regard to slavery. In 1774 the people of Rowan had resolved against the African slave trade, and the first Provincial Congress, held that year, had agreed that "we will





THE FIRST CAPITOL. Completed 1794; destroyed by fire June 21, 1831  
Insert—Canova's statue of Washington





not import any slave or purchase any slave brought into this province by others after the first day of November next." But that resolution seems to have fallen into innocuous desuetude, for in 1786 duties were levied on imported slaves brought in from Africa; and those brought in from the Northern States where emancipation was in progress were to be returned. Four years later the duties on the importation of slaves were repealed; but slaves brought in from the Northern States were still to be returned. Now, at this first session at Raleigh, a very stringent act was passed prohibiting any one from bringing into this State any slave or indentured servant of color; unless the person should take an oath that he was coming into the State to settle and be a citizen, and that he was not bringing the servant of color into the State for sale. And at this same session, owners were prohibited from allowing slaves to have their own time, and meetings of negroes were prohibited and greater supervision of them was required by patrolmen; and there was another act passed requiring the jury and court on the trial of a slave to render verdict and sentence agreeably to the laws of the country. There was evidently, however, apprehension in regard to the negroes, for at the next session, it was forbidden for any owner coming to settle to bring with him from the southern islands any negroes over the age of fifteen; and if any free person of color should come into the State, he was required to give bond for his good behavior. 1794

The improvement of local conditions was also in the minds of the Assemblymen, and an act was passed authorizing the county courts to establish fairs in their counties "so as to afford an opportunity and give encouragement to industry by collecting the inhabitants for the purpose of exchanging, bartering and selling all such articles as they wish to dispose of." Local fairs



Episcopal  
church

In 1794 the Protestant Episcopal Church was organized in the State. On the 5th of June, 1789, two clergymen, Rev. Charles Pettigrew and Rev. James L. Wilson, and two laymen met at Tarboro, and acceded to the Constitution of the Protestant Episcopal Church as adopted at Philadelphia in that year. It was proposed to hold a second convention that November, but the effort failed, and in November, 1790, the next convention was held, there being four clergymen and four laymen present. There was no other convention held until November, 1793, when there were only three clergymen and three laymen in attendance. In May, 1794, there were eight members in the State including Mr. Miller, who had taken orders as a Lutheran minister, but only four of them and only four of the laity attended the convention which met at Tarboro. Rev. Charles Pettigrew was chosen Bishop; but he never went to be ordained. In none of these conventions did the southern half of the State have any representative. Craven, Martin, Edgecombe, Pitt, Granville, Hertford and Northampton and "near the Yadkin," were the residences of the ministers.

### **Jay's treaty**

There were many matters in controversy between the United States and Great Britain and Great Britain had been slow to give them consideration, but at length, in 1794, conditions seemed to be propitious, and Washington appointed Chief Justice Jay as Envoy Extraordinary for the purpose of concluding a treaty. Although perhaps not entirely satisfactory to Washington, he approved the treaty and it was ratified. In August, 1795, Sam Johnston wrote: "The stipulations restraining the vessels of the United States from carrying any molasses, sugar, coffee, or cotton either from the islands belonging to Great Britain or from the

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United States to any part of the world were highly exceptional; and that the British ought to have made provision for paying for the slaves they had taken from our citizens." The treaty was fiercely denounced by others, and Jay fell into public odium. The effect at the South was to strengthen the Republicans, and they again controlled the Assembly of this State.



## CHAPTER X

### FRICTION WITH FRANCE

Ashe Governor.—Stone Judge.—Canals to be cut.—Changes in the law.—All children to inherit.—Matters of fact for the jury.—Alterations in court procedure.—Manumission limited.—The Quakers and slavery.—Joshua Evans.—Life at Raleigh.—The elections.—Public attitude towards France and Great Britain.—Adams President.—The land frauds.—Plot to burn State House.—France hostile.—Collisions.—Washington at head of army.—Patriotism prevails.—The pestilence.—War imminent.—Davie Governor.—Franklin Senator.—The Kentucky resolutions.—Taylor Judge.—The Court of Patents.—Moore Judge.—Davie's vigor.—Preparations.—Willis and Locke.—Jefferson's "Scission."—Davie goes to France.—Leaves messages for the Assembly.—Joseph Gales establishes the *Register*.—Democracy prevails.—Williams Governor.—Black gowns and court formalities abandoned.—The Court of Conference.—Death of Washington.—Washington, Ashe and Greene counties.

#### Ashe Governor

1795

When the Assembly convened it at once chose for Governor Ashe of New Hanover, who some twelve days later appeared and took the oath of office. Like Spaight, he was a native of the State. He had been on the bench some eighteen years, but while thus removed from political action, he was well known to have ever been a stalwart Anti-Federalist. David Stone of Bertie succeeded him on the bench. Stone was but twenty-five years of age and had been at the bar only five years. A graduate of Princeton, and a man of fine intelligence and attainments, he had studied law under Davie and was much in sympathy with the high ideals of that elegant gentleman. But his political association was with the Anti-Federals.

Governor Ashe quickly sent a message to the Assembly in which he referred to the action of that body requiring State officers to reside in Raleigh six months during the year, saying that he proposed to do that; but suggested that a Governor whose term was only one year could not build a house to live in only for six months. Thereupon the Legis-

lature directed that a house should be provided for the Governor by the Treasurer, either by leasing or by building.

As the previous Legislature had sought to provide domestic industries by establishing county fairs, so this one hoped to advance the general welfare by stimulating the cutting of canals. It was proposed that persons should drain their low lands by ditches or canals passing through the lands of others, and that "whereas it has been demonstrated by the experience of the most improved and well cultivated countries the opening of communications by cutting canals has been productive of great wealth and commerce," the Legislature authorized the formation of companies to cut canals for transportation and to drain swamps.

Progressive  
measures

Canals

The Assembly, despite the political conditions, addressed itself to some amendment of the law. In 1784 entails had been abolished, but preference had been given to the males in exclusion of the females: now all distinctions among children were removed and sisters were put on a level with their brothers. And further curing some of the defects of administration, the judges were forbidden, in charging the jury, to express any opinion as to whether a fact was fully or sufficiently proved, "such matter being the true office and province of the jury," and two peremptory challenges were allowed to each side in every case. Indeed, during Governor Ashe's term, court procedure was much overhauled; and there were enactments, regulating the method of procedure by grand juries; of issuing process; authorizing executors and administrators in certain cases to convey land, and otherwise ordaining beneficial alterations in court matters.

All children  
to inherit

Court pro-  
cedure

There was another change in the law brought about by apprehensions lest the free negroes might induce the blacks to give trouble. Slaves were no longer to be emancipated, except for meritorious services, so adjudged and allowed by the county courts.



### The Quakers' attitude toward slavery

Weeks :  
Southern  
Quakers

1795

At Raleigh

Indeed, African slavery now began to give concern. The institution was fixed; property in slaves had for generations been an inherited right, and in addition to the private rights, there were involved public considerations of great interest, for free negroes were a menace. About the time of the Revolution the Quakers in North Carolina, as well as some of the Methodists, had begun to consider the subject of slavery. Mr. Asbury was much in favor of having the slaves emancipated, and some of the Quakers were of the same mind. In 1772 the Quakers had addressed the Assembly against the importation of slaves, and ten years later they had made progress "in clearing the Society of slavery," and in securing the rights of the manumitted. In 1795, the Legislature having passed an act requiring all free negroes to give bond for good behavior, the next "Yearly Meeting" drew a petition urging the Assembly to allow owners to emancipate their slaves and asking that those emancipated should be protected as freemen, for it was asserted that some negroes manumitted had been seized and sold into slavery. Joshua Evans, a traveling Quaker preacher, then on his way to Georgia, happened to be in Raleigh when this petition was presented to the Assembly. At that time the little hamlet was barely three years old. A tavern had been erected in the forest and a few residences, where some of the members found board. At the tavern there were about "forty men of note." Notwithstanding Evans was urging abolition of slavery, the members received him kindly. "A number of them invited me freely to come into their rooms and sit with them, and that they should be pleased if I would do so; all this furnishing me with opportunities to touch on their cruel laws and the hardships to which the poor blacks were subjected in that government. Many of them kindly invited me to come and see them if I should come near their dwellings." And

when he came to settle, the tavern keeper would take no pay for his board. These details indicate no resentment at his views. But there were serious objections to acting favorably on the petition. The agitation by the Quakers in Albemarle had already led to disastrous results. Negroes had been led to expect liberation. The idea of emancipation was openly held out to them. Their minds were alienated from service. Runaways were protected, harbored and encouraged. "Arsons are committed." The grand jury at Edenton, therefore, made a presentment of the Quakers in Eastern North Carolina "as the authors of the common mischief in their quarter," and based on the allegations above quoted. So at the following session, the Assembly passed an even more stringent law against emancipation. But, ignoring the law, the Quakers persisted in urging individuals to set their slaves free, merely by a release of ownership, and the Legislature found it necessary to require that some provision should be made for old slaves that were not cared for. Society had to be protected.

Evil results

Weeks:  
Southern  
Quakers,  
221, 222

### The election

Washington's term was now expiring and John Adams, the Vice-President, desired to succeed him. Jefferson, who had retired from the Cabinet in 1793, was at the head of the opposition. Massachusetts and Virginia were once more the contestants, and sectional bitterness was fed by personal and political antagonisms. Four years earlier, the division of the people was in some measure based on apprehensions regarding the form and powers of the government. Now a different color was given to public matters. France and Great Britain had their respective friends, and each of these powers was seeking to exert an influence in the United States. There was much sympathy for France; and Jefferson was regarded as the especial friend of the French Republic; while the Paris horrors easily led the Federalists to stigmatize the opponents of Adams as Jacobins. Davie,

1796



1796

writing to Iredell in November, said: "Uncommon pains have been taken by the Jacobin party to insure the election of Jefferson"; but at the north these efforts were without avail. Judge Patterson of the Supreme Court wrote December 1: "The contest will be severe. From New Jersey to New Hampshire, the votes, being 58, will be for Mr. Adams." And so it happened, except Pennsylvania the North was solid for Adams. Maryland likewise gave Adams 7 votes. Pennsylvania went with the South for Jefferson. In North Carolina one district was carried by Adams, and Adams was elected by a single vote above the requisite majority. The Congressional delegation remained Republican with the exception of Grove. The Assembly was Anti-Federal and chose the same Speaker as its predecessor.

#### **The land frauds**

November,  
1797

In 1797 Governor Ashe discovered improprieties in issuing grants and he called the matter to the attention of the Council of State; but it was not at first supposed that there were any frauds, for the officers were of the highest reputation. However, the Legislature, when it met in November, appointed a Board of Inquiry. There was a land office at Nashville, Tennessee, under Major John Armstrong. In the Raleigh office, William Tyrrell, the clerk, would issue grants calling for certain corners and covering a specified acreage, while the lines when run would embrace from ten to a hundred times as many acres as mentioned; and there were other fraudulent methods devised. When these discoveries were made, Tyrrell fled. For safe keeping the books containing those entries were moved into the Comptroller's office. In the succeeding April, 1798, Judge Tatum and John McNairey at Nashville dispatched a messenger to Governor Ashe conveying information of a plot to carry off these books, and to burn the State House. It seems that the plot was hatched by Glasgow, the Secre-

Plot to burn  
Capitol

tary of State. The Governor in calling the Council together wrote: "An angel has fallen," so astonished was he that Glasgow should be involved. James Glasgow of Dobbs County had been an early patriot, and had been Secretary of State for twenty years; and for years been Deputy Grand Master of the Masonic order, which embraced in its membership nearly every man of standing in the State. When the Council met, in his written statement the Governor said: "The scheme was concerted in the house of a person who seems to be in the character of a fallen angel." The effort to carry off the papers was frustrated, and that to burn the State House failed through the measures taken by the Governor.

### France hostile

While these startling incidents were claiming attention, some notable changes occurred. Judge Stone retired from the bench and sought political honors. He announced himself for Congress in the Albemarle district and, although of Anti-Federal association, was warmly supported by the leading Federalists. Indeed, in the progress of unexpected events, the old party lines were much broken down. The President could not close his eyes to the audacity of the French government, then in the throes of revolution and under the Directory, nor could he brook their insults. He took measures looking to war. Indeed, actual hostilities had begun on the ocean and collisions had occurred. Congress at once strengthened the naval force, provided for the appointment of a Secretary of Navy, and authorized our merchantmen to arm. Presently we had captured many French ships and France was despoiling our commerce. Congress likewise provided for a provisional army of regulars, and Washington was called from his retirement to the command. In July, 1798, Davie was appointed by the President Brigadier General in this new army, to command the North Carolina contingent. No longer could there be

1798

War  
imminentSecretary of  
the NavyWashington  
in commandDavie,  
Brigadier  
General



Alien and  
sedition law

any divisions among patriots. And Congress in the furore of the occasion passed bills known as the Alien and Sedition Laws, authorizing the President to deport aliens, and to imprison any one who defamed the government, Congress or the President. In the meanwhile, Talleyrand, the French Premier, had proceeded so far as to have the American commissioners in France informed that before they would be heard they must pay 1,200,000 francs; and when the commissioners had returned, the sentiment "Millions for defense, not one cent for tribute," thoroughly permeated the hearts of the people. Such was the inflamed condition and temper of the times during the summer and fall of 1798.

### In the State

November,  
1798

At the Congressional election the Federals carried four districts; and while there was no particular change in the personnel of the Assembly, the majority was in line with the administration. Indeed when in November, Sam Johnston, now again in the Senate, came to Raleigh, he wrote home: "Davie is talked of for Governor, and will meet with no opposition. I was much surprised to find even Governor Ashe so perfectly anti-Gallican; but it is the fashion, and no one pretends to be otherwise."

Iredell, II,  
536-538

The change was quickly heralded abroad. The good news flew. Charles Lee in Virginia wrote: "The change in North Carolina is most pleasing," and William Rawle, the great Philadelphia lawyer, wrote to Iredell: "Your account of the election is a consolation in the midst of our misfortunes." Philadelphia was indeed in the midst of misfortune. The yellow fever had stricken the city heavier than ever before. It was more malignant than in 1793. The only safety was in flight. Charles Lee wrote: "The pestilence now rages with increased fatality. In New York City it is terrible also. I think Congress ought not to hold its session in Philadelphia next winter." Nor was the pesti-

The yellow  
fever

lence confined to those cities. It invaded every seaport and North Carolina did not escape. It struck Wilmington and other seaboard towns disastrously.

### In the Assembly

When the Assembly met, the Senate was strongly under Federal influence; the House was not so. There was, however, no change made in the speakers of the houses. Governor Ashe's term was now expiring, and war was flagrant; so Davie, the preëminent soldier of the day, and eminent for his talents and character, was called to the helm. But already there was clamor against the Alien and Sedition Acts, which Jefferson with great astuteness intensified, procuring the Legislature of Kentucky to adopt resolutions that challenged the attention of the country. Martin had voted for those acts in Congress, and had become "wonderfully Federal," so the Republican leaders rallied all their strength and defeated him. He was replaced by Jesse Franklin of Surry, not so scholarly as Martin, not so eloquent as many others, but of solid worth, typifying the best North Carolina characteristics—integrity and honesty of purpose, united with intelligence, broad views and patriotism. He was a staunch Republican. The Kentucky resolutions were communicated to the House by Governor Davie. The House received them and sent them to the Senate. The Senate heard them read "with great impatience," and "ordered them to lie on the table." "I believe," wrote Governor Johnston, "in the temper they were in they might easily have been prevailed on to have thrown them into the fire, which was proposed in whispers by several near us." Then the House, by a respectable majority, adopted an address to the President which the Senate passed unanimously, not so high in praise "of his great abilities and integrity" as Johnston wished. This was, however, followed by a resolve by the House urging the delegation in Con-

Davie

Martin defeated

Franklin  
Senator

Kentucky  
resolutions

Iredell, II,  
542



Iredell, II,  
542

gress to seek to repeal the Alien and Sedition Acts, which was rejected by the Senate 31 to 8; but notwithstanding the Senate would not concur, the House adopted the resolves and ordered them forwarded to the Senators and Representatives in Congress. The Republicans while reasonably complacent would not utterly abdicate their principles.

House  
Journal, 75,  
77

Judge  
Taylor

Judge Williams's health had now become such that he could not attend his courts and, as he did not resign, the Assembly provided for an additional judge, John Louis Taylor being elected to the bench. Thus was introduced into our judiciary one of its chiefest ornaments. Taylor was born in London, of Irish parentage, and while a lad of ten years his brother brought him to New Bern. After graduating at William and Mary College, he had studied law and settled at Fayetteville. He soon married a sister of William Gaston, and between these two distinguished men there existed the most affectionate intercourse.

### Court of Patents

Because of the discovery of the land frauds, a commission was appointed to investigate all the facts, and a Court of Patents was established with power to annul fraudulent grants. To succeed Glasgow, William White, a nephew of Governor Caswell, was elected Secretary of State, and a bond of ten thousand pounds was required for that office. Governor Sam Johnston had in view to create a court of appeals, but he was then ahead of the times, and he failed in his purpose. To succeed Judge Stone, elected to Congress, Alfred Moore was chosen to the bench.

Davie and  
Moore

It was a notable circumstance that Davie and Moore were now simultaneously made recipients of public favor. They were highly distinguished among the illustrious characters of that period. Indeed one of their contemporaries recorded that "they shone as brilliant meteors in the firma-

ment." Chief Justice Taylor ascribed to Moore "a profound knowledge of the law, and when Attorney-General, he had performed his onerous duties with vigilance and zeal; but his energy was seasoned with humanity, leaving the innocent nothing to fear, and the guilty but little to hope." However, on the bench, Moore did not give entire satisfaction. He was captious and disregarded precedents. Perhaps he saw deeper than some of his predecessors or thought that he was better fitted to make precedents than they were. But he was not to remain long as a state judge for on the death of Judge Iredell he was transferred to the U. S. Supreme Court.

### War preparation

Davie, entering on the office of Governor December 7, 1798, addressed himself to his duties with vigor and intelligence. His first attention was given to military preparation. The organization of the militia was perfected and he had the sea coast fortifications examined with a view to defense. General Brown of the Cape Fear district reported that in 1794, Mr. Martignor had been sent by the Federal Government to construct a fort at Smithville, and he had demolished the old fort Johnston and had replaced it by a heavy sand battery. General Brown had Major McRee now to submit a new plan of defense. Likewise reports were made about Ocracoke. Davie represented to the Federal Government that the South had no arms nor ammunition and he was active in preparation. But not neglectful of civil affairs, he was earnest in his purpose to have Glasgow tried and he was interested in the progress of the work of establishing the boundary between the State and Tennessee. While assiduously engaged in these duties, the President appointed him one of a new commission he proposed to send to France, and Davie accepted the appointment; but nevertheless he continued to press forward the business of his office.

1799

Davie, Commissioner to France



The Legislature, anxious to remedy the wrongs done by the frauds of its officers in Tennessee, directed Governor Davie to obtain the papers of the office of Martin Armstrong, then in the possession of Tennessee, and under that authority Governor Davie on the first of March, 1799, commissioned Gen. John Willis of Robeson County and Francis Locke of Salisbury to go to Tennessee and if possible obtain the papers for the use of the State. Willis and Locke were well qualified for the mission. The former was a gentleman of the highest respectability and character and a lawyer of fine attainments. The latter was of equal standing in the State. It, however, does not appear that their mission availed.

Iredell, II,  
577

It was not until August that the commission made its report on the Glasgow frauds and the Court of Patents did not meet at all. While these affairs were claiming Davie's attention, he was concerned at learning that in Virginia there was such dissatisfaction that some of the leaders there were talking of "seceding from the Union," while others boldly asserted the policy and practicability of "severing the Union," alleging that Pennsylvania would join them, that Maryland would be compelled to; that the submission and assistance of North Carolina was counted on as a matter of course. Indeed, the subject was put up to Jefferson, who called it "Scission," but while he expressly affirmed the right to secede, he did not deem it expedient.

Jefferson's  
Correspondence, IV,  
247

Secession

1799

#### **Davie goes abroad**

In the meantime, the President deemed that conditions had so far improved that it was proper and expedient for the commission he had appointed to depart to France. It was necessary for Davie to leave the State. The Assembly had directed that the Governor should keep his office open at Raleigh the entire year; and if he himself were going to be absent that he should so advertise in a newspaper, but his office should be kept open by his private secretary.

Davie seems to have arranged his official matters in conformity with these directions. It does not appear that he resigned; nor did General Smith, the Speaker of the Senate, become Governor in his absence. On the contrary he prepared seven separate messages or communications for the Assembly, on various subjects, which he delivered to his private secretary to be presented when it should convene. All of these messages but one were dated September 10; the other, dated November 10, advised the Legislature of his leaving the State on the duties assigned him by the President. On September 22 he left Halifax, and on November 3 sailed from Newport, Rhode Island. There was no official notice taken of his absence from his office. His communications were received and treated as if he were present.

### Joseph Gales

During the year, Raleigh received as a citizen its first editor and saw established its first printing press. Joseph Gales had been an editor, publisher and book seller at Sheffield, England, along with Montgomery, afterwards known as the poet. In England, as one of the effects of the French Revolution, democratic societies had sprung up in many of the counties, and Gales was in sympathy with them. For some cause, an order was issued for the arrest of Gales, and being advised of it, at his wife's entreaty he fled to Holland, where his wife joined him, and a year later they came to Philadelphia, reaching there in 1795. Buying a newspaper in Philadelphia, and being able to report the proceedings in Congress in shorthand, he soon took high rank as a newspaper man. His sympathies were with the Anti-Federals or the Republicans, as Jefferson called those who coöperated with him. Because of the yellow fever that had appeared in consecutive years at Philadelphia, Gales determined to seek another location and some of the North Carolina delegation prevailed on him



to locate at Raleigh. Here in 1799 he began the publication of the *Register* which his fine abilities soon made the leading paper in the State, greatly strengthening his party and giving it a more democratic tone. But Hodge, whose office was at Fayetteville, issued a paper dated Raleigh, shortly before the appearance of the *Register*.

### Democracy prevails

Williams,  
Governor

Nov., 1799

Black gowns  
abandoned

One judge  
to hold court

Acts 1799,  
ch. 4

When the Assembly met the war feeling aroused by France had subsided and the discontent over the Alien and Sedition Acts had become intensified by the arrest of editors and others disagreeable to the President. The tide was running against Federalism. The same speakers were chosen and Benjamin Williams, defeated by Davie the year before, was elected Governor. Mr. Williams was a large and successful planter of Moore County and closely connected with some of the leading families of the eastern counties. He was a man of fine intelligence and stood among the first of the progressive agriculturists of the State. The Legislature, now to conform to a democratic sentiment, abolished the practice of having sheriffs to precede the judges to and from the courthouse with wands, and having the doorkeeper to precede the speakers with maces, and the practice these officials had to array themselves in black gowns was likewise abandoned. These ancient forms were repugnant to the new democratic sentiment.

To remedy some obvious inconveniences, there being four judges, the State was now divided into four ridings and one judge was allowed to hold a Superior Court in each riding; but there was to be rotation. And another interesting change was made in the judicial department that was somewhat in line with Governor Johnston's proposition to establish a court of appeals. The judges were to meet at Raleigh in June and December and determine any questions of law not determined in the circuit. They were to discuss

these points of law among themselves, but the practice did not obtain of having attorneys to argue before them. By the same act, the judges were to hold a court to try those persons indicted for land frauds. However, the operation of this act was limited to two years.

The judges  
to confer

### Death of Washington

On December 14, at Mount Vernon, the great Washington went to his reward. There was a universal manifestation of sorrow. The Legislature being in session immediately named a county in his remembrance; but in the same bill a new county was erected and named for one of the principal Republican leaders, Governor Sam Ashe. At the same time the name of Glasgow was expunged from the list of counties, and Greene was substituted in honor of General Greene. At this session, further to show affection for Washington, Governor Williams was directed to take steps to procure two full length portraits of him who "was first in war, first in peace and first in the hearts of his countrymen." Governor Williams ascertained through Representative Grove that Gilbert Stuart would paint a portrait of Washington for \$600 and the frame would cost \$200. Such a portrait was procured and still adorns the Hall of Representatives, but it was painted by Sully.



## CHAPTER XI

### THE NEW CENTURY

Social conditions.—Caldwell at the University.—Smith's donation.—The academies and schools.—Medical Society.—Agricultural.—The State buys the cotton gin right.—Transportation.—River improvements.—Horse racing.—Halifax cotton factory.—Willis's mail to Tennessee.—Wolves.—Women's work.—The religious situation.—Infidelity.—Asbury's journeys.—The revival.—The great meetings.—Elder Burkett.—The jerks.—State affairs.—Death of Iredell.—Moore succeeds him.—Johnston.—Glasgow's trial.—Haywood.—The newspapers.—Hall replaces Judge Williams.—Stone Senator.—The electoral college.—Jefferson President.

#### Conditions in 1800

1800

Williams  
Governor

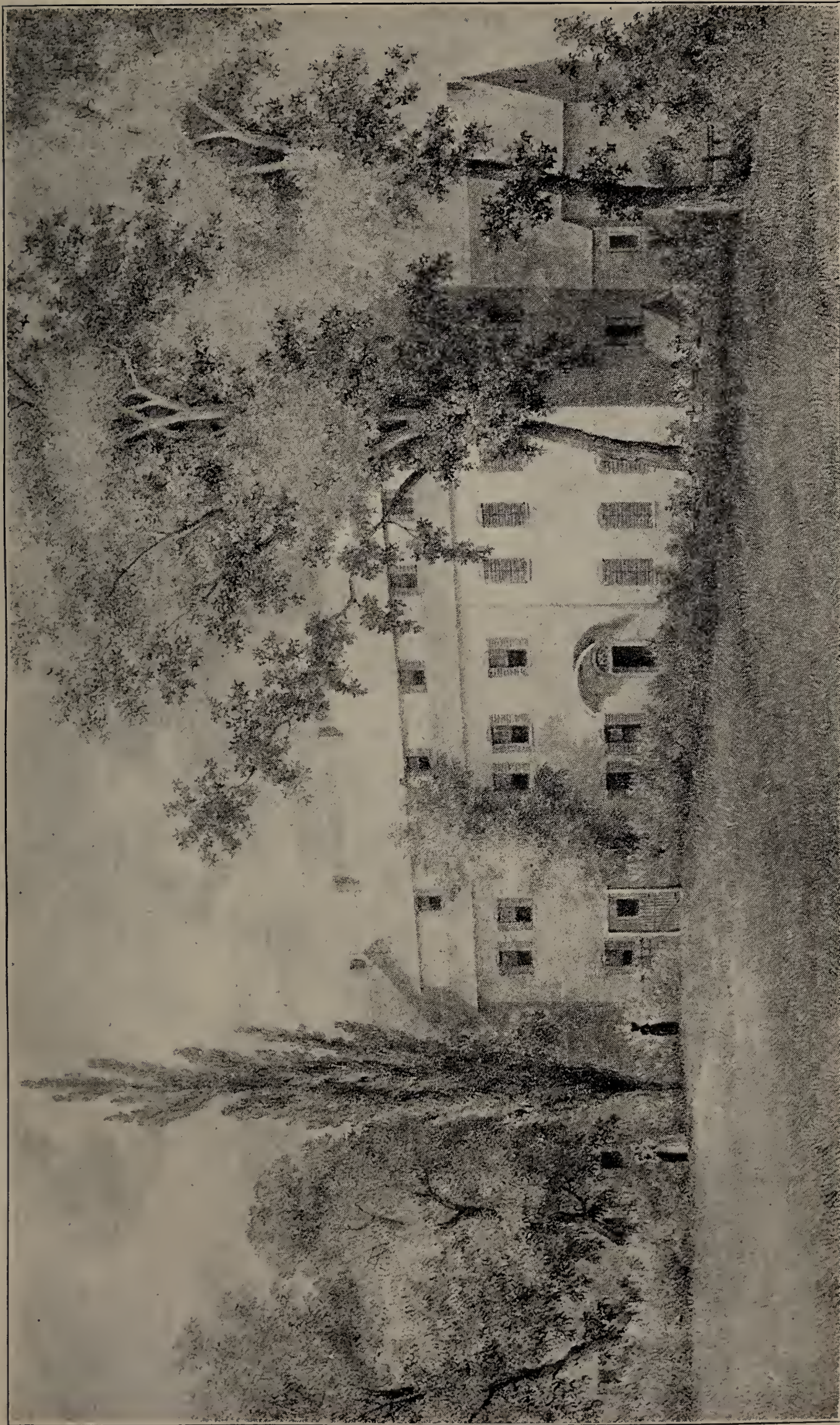
The new century opened with the public mind still agitated because of recent events. Glasgow had not been brought to trial. A special court had been created to hear the case. The people were mourning for Washington. Davie had not yet reached Paris, but the expectation of peace that had led to the sending of the commission had given confidence that there would be no war; and the Alien and Sedition Acts were being denounced. In the State the people were returning to the Republican party.

The white population had increased in the decade 18 per cent; the free blacks had increased to 7,000, being about 40 per cent, while the slaves increased 33 per cent. The total population was now 468,103.

#### Education

There had in recent years been more attention given to education. Joseph Caldwell, a graduate of Princeton, had in 1796 been called to the University. Gen. Benj. Smith had given to this institution 20,000 acres of Tennessee lands, and others had made liberal donations in cash, while Charles Gerrard added in his will a bequest of a valuable tract of 2,560 acres, and the faculty and student body, hav-





SALEM ACADEMY. Opened in 1772; corner stone of this building laid in 1803





ing gone through a season of turmoil, were both now on a secure foundation.

Acts had been passed incorporating academies at Edenton, Kinston, New Bern, Warrenton, Greenville, Wilmington, in Franklin, in Richmond, Duplin, Currituck, two in Anson, Onslow, Tarboro, Lumberton, Murfreesboro, in Bladen, Randolph, Montgomery, at Salisbury, Smithville, Guilford, Fayetteville, Raleigh, Rockingham and Hyco. There were besides numerous private schools taught by the Presbyterian ministers and others throughout the State; some being of particular merit. In Wilkes there was maintained for thirty years a school, which was ever mentioned for high excellence, and at Wilmington where the noted Rev. Robert Tate had opened a classical school in 1760, Rev. William Bingham in 1785 began his great career as a teacher. About 1800 the Innes Academy was built, the first teacher being Dr. Halling, who later was succeeded by John Rogers, earlier a midshipman in the naval service, and later, when established at Hillsboro, a doctor of medicine, his degree being obtained at Baltimore. The teacher at New Bern for twenty years was Thomas P. Irving, a graduate of Princeton.

Cape Fear  
Chronicles,  
665

Coon:  
Schools and  
Academies.  
II, 17f.

Williamsboro, the home of Judge John Williams, a jurist whose superior merit was early recognized, was "a neighborhood of cultured people." John Hicks was the teacher there.

At Warrenton there was a fine academy for at least fifteen years under the care of Marcus George, a graduate of Trinity College, Dublin, and then under others of superior merit, while a little later "The Mordecai Female Seminary" became an institution of great value. And the Salem Female Academy likewise attracted pupils from various parts of the State, every year becoming more and more highly esteemed. The Caswell Academy was taught by Rev. Hugh Shaw, with Bartlett Yancey as his assistant:

Smith: Hist.  
Ed., p. 118



and the graduates of the University were now finding congenial employment in teaching.

Smith: Ed.  
N. C., p. 38

Hall's Clio Nursery and Academy of Science in Iredell County, for decades was the principal factor in the education of the western counties, eventually giving place to Davidson College. Hall's English Grammar was largely used as a textbook in this and in the neighboring states.

When the Raleigh Academy was started in 1802, German Guthrie, a teacher of note and experience was employed; and after some changes, in 1810, Rev. William McPheeters was called as pastor of the town and principal of the school; and he remained so for twenty years. That academy was "of two stories, 40x24 feet, twelve feet pitch, two doors and eight windows on the first floor; and painted inside and out." Five years later a new building for the female department was erected. At Smithfield the academy was about the same size. That at Warrenton was larger; while those at Oxford and at Tarboro were still larger, two stories, 60x24 feet.

### **Agriculture**

The profession of the medical gentlemen was advanced by the incorporation of the State Medical Society, while in agriculture, there was displayed activity and progress. Among the leading planters were Benjamin Smith, for five terms Speaker of the Senate; Benjamin Williams, the Governor, and Gen. H. W. Harrington, of Richmond County, described by General Smith as the first farmer of the State, when asking him to furnish "among other seed Siberian, annual and perennial Vetch, Smyrna Wheat, Winter Oats and Spelts"; and they talked about "Timothy beans" and "Black-eyed peas," and "some Superior"; and rice and cotton; and Smith asks Harrington to deliver him 2,000 bushels of corn at Georgetown; and says: "Notwithstanding the great cry about cotton, I think the best farming we

can go in would be to sow a crop of wheat and, immediately after it is off, put in corn." However, he was planting cotton "in hills four feet equidistant," and was solicitous about the gins. And certainly there were others, in Edgecombe particularly, but generally in every county, quite as progressive and eager for improvement. Indeed the State at once purchased from Eli Whitney and his partner the right to use, make and sell their patented cotton gin in the State, and the difficulty in preparing the staple for market now being removed a great demand sprang up for cotton and a new day for cotton and for the South was ushered in.

The State  
buys the cot-  
ton gin

### Transportation

Nor was the Assembly indifferent to transportation. The roads were bad, the farms isolated, and at least 7,000 hogsheads of tobacco were hauled from the State to Petersburg alone, while in the eastern counties, remarked General Washington, barrels of turpentine were rolled in the same style. But water transportation first claimed attention. "Thirty-four thousand people on the Catawba are now denied transportation facilities," said the Assembly; and therefore provision was made for the improvement of that river. Likewise in 1796, bills were passed for improving the transportation of the Roanoke, for cutting a canal to the river Pungo, near Plymouth; to improve the Cape Fear, the Deep and the Haw, to facilitate the navigation of the Yadkin and the Pee Dee, to improve the Tar, the Meherrin, the Hyco, and the Great Contentnea. Apparently the entire river system was calling for attention and public thought was aroused on the subject of water transportation; while the completion of the Dismal Swamp Canal was looked forward to with great interest.

River im-  
provement



**Horse racing**

In these years there were also some choice spirits who were addicted to horseflesh. Fine stock was valued. Racing was interesting. Betting was allowed. One of the fastest horses in the State, perhaps in any state, was jointly owned by a group of Cape Fear gentlemen and trained at Hyrnhem, on Rocky Point, by DeKeyser, an Austrian officer; another was Hyder Ali, the patriot of India being such a favorite that Davie called a son after him, and Mr. Williams his great horse. At a later date, in 1823, the *Edenton Gazette* said: "We stated in our last as our belief that Betsy Richards, who beat Cock of the Rock with so much ease, was raised and owned by Colonel Johnson, of Virginia. This is not correct—Betsy Richards belongs to William Amis, Esq., who owns her dame and sire, the celebrated Sir Archy. Flying Cinders, who beat in two heats, with great ease, the Long Island mare Slow and Easy, is an Archy from North Carolina but owned by Mr. William Wynne, of Virginia. So that it appears that Henry, Betsy Richards, John Richards and Flying Cinders, the best coursers of the day, are all North Carolina horses and not Virginia. (The breed of Virginia horses and Virginia presidents gave out at the same time.)" And under the heading, "Sports of the Turf," the *Post* of May 5, 1823, had this item: "The Halifax (N. C.) races commenced on Wednesday 16, of last month. It is rumored, says the *Edenton Gazette*, that John Richards, four years old, a horse of great bottom, will be taken to the Long Island races, to commence in May." In a suit brought by Williams against Stephen Cabarrus, who held stakes, \$500, the race between Sentinel and Hyder Ali is well told. But while betting was allowed, the Legislature deemed it prudent to enact that no bet on a horse race should be valid unless in writing, under seal, and with witnesses. And the Legislature further forbade all games of betting, faro, and billiards.

But the Assembly was not averse to lotteries. Lotteries were authorized for schools and other purposes, and one for "The Halifax Cotton Manufactory," which, if built, antedated all others in the State by a decade. Lotteries

### Emigration

There was some tendency to move to Tennessee, where many had lands doubtless granted for Revolutionary services. General Willis was thinking of moving. Similarly, a letter to him in 1800 reads: "I tell you I still am fully determined to make an excursion next spring towards the Natchez and Mississippi, as I think it the duty of every man of family to endeavor to establish such settlement as will be of lasting advantage to his progeny and this part of the world." About that time Willis established a mail line from Fayetteville to Tennessee. A license was issued by Duncan McRae, the United States Internal Revenue Collector, for nine dollars for "a four wheeled carriage called a coche, owned by General John Willis and having a top and on springs and to be drawn by four horses, for the conveyance of more than one person, for the year ending 30th September, 1802." This also carried the mail. Later Willis located in Tennessee. Mail coaches

That the State was not entirely removed from its pristine wilderness is evidenced by the bills to destroy wolves and panthers in Onslow, Moore, Montgomery, Iredell, Bertie and in many other counties. In New Hanover the wolves were not unknown until the railroad was built many years later, and then they abandoned their ancestral homes. They evidently were distrustful of the engines breathing fire and smoke. Wolves and panthers

### Women's work

In their homes, while the men were busy with outdoor work, the women were likewise fully engaged. A record is to this effect: "I was born in Nixonton the 14th of



March, 1789, one mile from Hall's Creek; and in a little rise of ground from the bridge stood the big oak where the first settlers held the Assemblies. My mother had a great deal of spinning, warping, weaving and quilting to do, and clothes to make for the negroes. I commenced at five years old to help her. Quilting, I believe, was the first thing I commenced doing. After a while I could hand the threads to put in the stays to weave; and I learnt to sew on the coarse shirts." Such was a part of the ordinary work in the homes in North Carolina. The spinning jenny and the hand loom were on every plantation and on many farms, making linen, woolen and cotton cloth, and the mistress had to have the clothes made for the family including the negroes.

#### **The religious situation**

The condition of religion in the sparsely inhabited settlements was deplorable. Of people there were few, and besides these natural conditions a wave of infidelity had swept over the country and many of those who were leaders of thought had turned away from the Christian doctrine and had set up instead a rule of reason. It was somewhat due to the French Revolution, but Paine's writings were largely read, and Paine it was who had first stirred the people to stand for independence. "The whole subject of religion was investigated anew. The arguments against the Bible were set forth in formidable array: Paine's *Age of Reason* passed from hand to hand, and the infidel productions of France flooded the country: the strongest holds of religion were shaken; and in many places, the arguments for reason, as paramount to revelation, gained a temporary victory. It was while infidelity was striding throughout the land that Kerr, the first executive of the University, who had been a Presbyterian minister and had preached at Fayetteville for two years, became an infidel, and Holmes, his assistant, did the same and taught "there is no such

thing as virtue." Kerr was dismissed in 1796, and Holmes three years later. Kerr subsequently taught school again at Fayetteville, and was appointed by Jefferson a judge in the Territory of Mississippi. Dr. Caldwell, the President of the University, is quoted as writing in 1797: "In North Carolina, particularly in that part that lies east of us, every one believes that the first step he ought to take to rise into respectability is to disavow, as often and as publicly as he can, all regard for the leading doctrines of the Scriptures." While this is surely overdrawn, yet it gives expression to the prevailing tone of society. In many minds reason had displaced confidence in revelation. It was so easy to disbelieve in company with others. This general condition is somewhat depicted in Mr. Asbury's journal at this period.

### **Glimpses of conditions**

Rev. Francis Asbury had for twenty years and more been traveling throughout the states as a Methodist preacher, but about the opening of the century was appointed a superintendent with general oversight and authority, and later was made a bishop. He spent his life in visiting all the circuits from Maine, through Ohio and Kentucky and along the seaboard to Georgia. He passed through North Carolina more than a dozen times, and he and his companions did a great work in carrying Methodism into the remotest neighborhoods and supplying the needs of the religious life in many communities.

The Church of England had ceased to be an organized influence; the Presbyterians occupied the central counties, interspersed with the Baptists, who branched out from the great central source on Sandy Creek where Elder Stearns had thoroughly established them; and on the waters of the Catawba likewise were German Lutherans.



In the eastern and northern counties while all denominations were represented the Baptists were by far the most numerous.

N. C. Hist.  
Bap. Papers,  
II, No. 2

The Kehukee Association, long established, extended from Currituck to the Haywood or Crocker meeting house near Warrenton.

Of Bishop Asbury this should be remarked: he cared for the human soul whether in a black or white body; and his colaborers urged the emancipation of the negroes. Particularly was he interested in what had taken place in Fayetteville. A negro, Evans, coming to Fayetteville, established a Methodist church in that town, at first attended only by negroes, then by the whites, who were attracted by his preaching. And similarly, later at Wilmington, a Methodist church was started by the negroes, and then attended by the whites. Wherever Asbury went he was heard by the negroes of the neighborhood. He records:

Asbury

Edenton, December, 1796. "I journeyed all through the damp weather, and reached Pettigrew's about six o'clock. Here I received a letter from Mr. Wesley, in which he directs me to act as general assistant. I preached in Edenton to a gay, inattentive people. I was much pleased with Mr. Pettigrew: I heard him preach and received the Lord's Supper at his hands."

Of New Bern he wrote: "This is a growing place. Our society here, of white and colored members, consists of one hundred, . . . should piety, health and trade attend this New Bern it will be a very capital place in half a century from this."

At Wilmington, he found: "This town has suffered by two dreadful fires; but the people are rebuilding swiftly. The people were very attentive." On another occasion at Wilmington, Sunday: "The bell went round to give notice and I preached to a large congregation. When I had done, behold, F. Hill came into the room powdered off, with a number of fine ladies and gentlemen. I heard him out: I

verily believe his sermon was his own, it was so much like his conversation."

On February 26, 1800: "When we came into North Carolina, we found that on the Pee Dee, Yadkin and Deep rivers, the snow had fallen fifteen and eighteen inches deep and continued nearly a month on the ground, and had swelled the rivers and spoiled the public roads.

"We had no small race through Chatham County; we were lost three times before we came to Clark's ferry on Haw River, and had to send a boy a mile for the ferryman."

March 4: "A clear, but very cold day. We were treated with great respect at the University by the president, Caldwell, and the students, citizens and many of the country people."

University  
and Raleigh

Two days later: "We came to Raleigh, the seat of government. I preached in the State House. Notwithstanding this day was very cold and snowy, we had many people to hear."

There was no Episcopal minister in that part of the State, Mr. Asbury narrates, for February 26, 1801, at Wilmington, he "preached for the first time in our house; we were crowded. One of the respectables came in the name of the respectables to request that I would preach in the ancient, venerable brick church. At four we had a large and decent congregation." On a subsequent visit, he said: "We have 878 Africans and a few whites in fellowship. . . . The Africans hire their own time of their masters, labor and grow wealthy; they have built houses on the church lots. I hope to be able to establish a school for their children." Again writing in 1806: "We had about 1,500 hearers in our house of worship—66 by 33 feet, galleried all around. There may be five thousand souls in Wilmington, one-fourth of which number, it may be, were present."

Wilmington

Asbury, III,  
93

Of New Bern, he said (1802): "New Bern is a growing, trading town. There are seven hundred or a thousand houses already built, and the number is yearly increasing,

New Bern



among which are some respectable brick edifices: the new courthouse, truly so, neat and elegant; another famous house, said to be designed for the Masonic and theatrical gentlemen; it might make a most excellent church. The population may amount to 3,500 or 4,000 souls."

### The revival

But with the opening of the century a most remarkable revival began. It is said to have begun at a funeral, where spirituous liquors were freely offered along with provisions, as was the custom in those days. Rev. James McCready, being a young licentiate, was called on to ask a blessing on the refreshments, and he refused. His stand begat an interest, and his preaching attracted attention all through the Haw River country. Excitement began and spread throughout all that section. McCready moved to Kentucky and his ministrations there had a similar influence. At one of his meetings, in June, 1800, there was a wonderful excitement. "Multitudes were struck under awful conviction. Cries of the distressed filled the whole house." From this place it spread throughout Kentucky, Tennessee, Ohio and ultimately over the whole South and West. The accounts of these meetings are surprising, how the people were affected, physically as well as mentally. The excitement grew in North Carolina. In October, 1801, a great meeting was held at Hawfields, in Orange. It continued five days without intermission, religious exercises lasting all day and far into the night. This is regarded as the first camp meeting in North Carolina. They soon became common, log cabins being built at the places where they were to be held. At a meeting in March, 1802, in Iredell County besides riding carriages, there were 262 wagons on the ground. The services lasted five days and there were between 8,000 and 10,000 people in attendance. There were four worshiping assemblies. There were present 14 Presbyterian

The first  
camp meet-  
ing

Foote's  
Sketches,  
376, 382

ministers, 3 Methodist, 2 Baptist, 1 Episcopalian, 1 Dutch Calvinist and 2 German Lutherans.

In the northeast among the Baptists there was the same experience, Elder Burkett, the Baptist missionary, having returned from Kentucky and Tennessee. Thousands left their homes for days to attend camp meetings. At Murfreesboro, four thousand stood out in the rain for hours, while Burkett addressed them.

Moore:  
Pioneer  
Methodists,  
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In the Cape Fear country it was the same. The inhabitants poured out to the camp meetings. A wave of deep religious interest swept throughout the country and the people responded with amazing alacrity. Thousands congregated in camps where services were held morning, noon and night for days together. Presbyterians, Baptists and Methodists and families long since not associated with any organization whatever flocked together and fell under the influence of the prevailing spirit. Many extravagances attended some of these meetings. The ecstasy of religious fervor knew no limits and its manifestations were often singular and startling as acts of devotion.

### The jerks

In North Carolina the revival was not at first attended by bodily movements. But after some months these manifestations appeared among the Presbyterians in the central section of the State. In a general way they were called the jerks, but they took many varying shapes. They spread west of the Yadkin and southward into South Carolina; but in these states they did not approach the excesses of Ohio and Kentucky. They were not so powerful in their operations in the eastern counties. Rev. Samuel McCorkle, writing January 8, 1802, says of a meeting three days earlier, where there were some 2,000 people: "Just then rose a speaker to give a short parting exhortation, but wonderful to tell, as if by an electric shock, a large number in every direction, men, women, children, white and black, fell and cried

Foote's  
Sketches  
409



for mercy; while others appeared, in every quarter, either praying for the fallen, or exhorting bystanders to repent and believe. This, to me perfectly new and sudden sight, I viewed with horror." But Mr. McCorkle's horror later vanished when he became accustomed to the jerks that prevailed at every meeting. One account of this singular exhibition is: "I saw numbers exercised in this way at a camp meeting held in Lincoln County. Sometimes their heads would be jerked backward and forward with such violence that it would cause them to utter involuntarily a sharp, quick sound similar to the yelp of a dog; and the hair of the women to crack like a whip. Sometimes their arms, with clenched fists, would be jerked in alternate directions with such force as seemed sufficient almost to separate them from the body. Sometimes all their limbs would be affected, and they would be thrown into almost every imaginable position, and it was as impossible to hold them as to hold a wild horse. When a woman was exercised in this way, other women would join hands around her and keep her within the circle they formed; but the men were left without constraint to jerk at large through the congregation, over benches, over logs and even over fences. I have seen persons exercised in such a way that they would go all over the floor with a quick, dancing motion, and with such rapidity that their feet would rattle upon the floor like drumsticks." One minister who years later was much venerated gave this personal experience: "After a prayer in the house, he walked out. He was seized in a most surprising manner. Suddenly he began leaping about, first forward, then sideways, and sometimes standing still, would swing backward and forward, 'see-saw fashion.' This motion of the body was both involuntary and irresistible at the commencement; and afterwards there was scarcely a disposition to resist. The people in the house came running to his relief and carried him in their arms to the dwelling. The fit lasted about an hour, during which time, if the attendants let go

their hold, he would jerk about the room as he had done in the field." He had several returns of the jerks, when in the pulpit, and when not.

These bodily exercises prevailed for some years in all the meetings held in the central counties, but by degrees they lost their hold on the public mind as being a part of religious experience, for persons who had no sense of religion were frequently subject to the same fits. And after a while the preachers not only discountenanced them, but censured them; and long before the devotion to religion ceased these bodily performances became confined to only a few neighborhoods in the State.

Foote's  
Sketches,  
411

Separated from its objectionable experiences the revival during these early years of the century was most salutary in its effects, reforming the life of the people, and instilling and emphasizing religious and moral principles, and promoting domestic happiness.

### State affairs

Judge Iredell died on October 20, 1799, at his home in Edenton, just as he had completed his 49th year, still in the prime of his extraordinary powers and in the height of his great usefulness. He took rank among the very foremost of the illustrious men who have given character to North Carolina. His correspondence having been preserved and published by Griffith J. McRee, himself of distinguished attainments and abilities, has illuminated an interesting period of our history, while its excellence is highly creditable to the social conditions it portrays. To succeed him on the bench of the Supreme Court of the United States, President Adams selected Judge Alfred Moore, who was nominated, confirmed and appointed on December 10, 1799.

Death of  
Iredell

Judge Moore's resignation having created a vacancy after the Legislature had adjourned, Governor Williams, with the concurrence of his Council, tendered the position to Sam Johnston, and, in urging him to accept, dwelt on the creation

Judge Sam  
Johnston



of the new court to be organized at Raleigh, which it was hoped might at length develop into a court of appeals such as Governor Johnston desired. "It may be the beginning," said the Governor, "of a radical change in the judicial system."

Governor Johnston's acceptance brought to the bench the most eminent citizen of the State, and a sound lawyer.

### **The Glasgow trial**

1800

The judges, among them John Haywood, who was esteemed the greatest criminal lawyer of his time and was certainly very learned, were to hold the court for the trial of Glasgow, to which the people were looking forward with intense interest. They were to meet in June for the great trial. In May Judge Haywood held the Superior Court at Halifax and returned to his home in Franklin County. A few days later he was persuaded by a fee of \$1,000 to resign and undertake Glasgow's defense. In his resignation he mentioned to the Governor that for two years it had been commonly understood that he must retire from the bench. He indicated that because of the inadequate compensation the step was necessary. The other judges held the court. Spruce McCay was the senior judge and presided, his associates being Taylor and Johnston; a court of the highest merit, whose decisions while offering certain justice to the culprits would assuredly receive the assent of the State. And now all eyes were turned to the scene. Seldom has a trial so greatly absorbed public attention—the chief defendant was a public character whose long career had until this period been marked with particular excellence and now, singularly enough, defended by one who had with unusual luster worn the judicial ermine, while the issues were of the highest concern to the people of the State.

The web of evidence woven was too strong to be broken even by the great lawyer for the defense. Glasgow was convicted and was fined two thousand pounds, while the

negro who had attempted to burn the State House suffered the severest penalty of the law; he was executed. The other officials thought to have been involved in the frauds escaped punishment.

Judge Haywood's action in resigning to defend Glasgow was considered as a stain, and it bore hard upon him. At the following elections, he was a candidate both for the Assembly and as an elector; and he failed in each instance. Indeed, a lawyer writing from Franklin County asserted that he "would not poll fifty votes in that county." Despite his strong family connections and his deserved reputation for profound learning he lost public favor and made a terrible sacrifice without avail. Later, a great fee carried him to Tennessee, where he located and became the Chief Justice of that State, and the author of a valuable history of Tennessee and of other publications.

### The newspapers

The publication of the *Register* at Raleigh led Hodge and his nephew, William Boylan, who were publishing the *Minerva and Advertiser* at Fayetteville, to move that paper to the capital, and presently the little village became the seat of a newspaper warfare that for a century with some intermissions continued to enlist the sympathies of interested partisans and friends. Except during the year 1789 when A. Hall at Wilmington was the printer to the State, Hodge had done that work for years, and he was well prepared to execute it, for he printed books, almanacs and other publications at Halifax, where likewise he had a printing office.

1801

During the summer the Republicans began to talk of sustaining the *Register* by giving the printing to Mr. Gales. This the Federals denounced as using the State patronage to help a party organ, and why should a change be made when Hodge was a good Federalist? But when the war fever abated, the Federalists had lost control of the State, and Gales's friends were successful in the Assembly, al-



though the Federalists elected five representatives in Congress, and Adams secured four of the electoral votes of the State. When the Assembly met, the complexion of the Senate being changed, General Smith was not reëlected Speaker, Gen. Joseph Riddick of Gates being his successor. In the House, Cabarrus was retained, and Williams remained Governor.

Two judges were to be chosen, one in place of Haywood, and Johnston's appointment having been only temporary. There were many aspirants. For four days the balloting continued amid great interest, then Johnston was chosen to retain his place, and the next day, December 13, 1800, John Hall of Warren was elected. While such an array of talent as the other candidates afforded was highly creditable to the State, the result was happy. Johnston was an ornament to the bench, and Hall proved an excellent judge. His opinions are models of pure diction and perspicacity; short, clear, sound, learned and logical, they have long been appreciated by the profession.

Bloodworth's term in the Senate was about to expire. At the election of a successor, Stone, Davie, Bloodworth and Locke were voted for; Stone was chosen, and so was transferred from the House of Representatives to the Senate. His rise in political affairs was phenomenal. A man of talent, he was fortunate in being fully appreciated. Bloodworth, never equal to the high duties of Senator, was subsequently appointed Collector of Customs at Wilmington, a position much more suited to his talents than Senator.

#### **In the electoral college**

Aaron Burr of New York, a man of fine attainments, the rival of Alexander Hamilton, but with an ambition that led to devious paths, was the running mate of Jefferson in the Presidential election. New England and the Northern States, except New York, stood fast against Virginia; but Adams lost votes at the South, and the Democratic candi-

dates received five more votes than at the previous election, and won.

It happened, however, that Burr received the same vote as Jefferson, so it became necessary for the House of Representatives to elect one of them President. In that body, in such an election, each state has but a single vote, the proceeding being an election by the states, and a majority of all the states is necessary to an election. While eight states voted for Jefferson, six voted for Burr, and the Representatives from two being equally divided, they could not vote at all. A week passed in fruitless ballotings, but on the 36th ballot, Jefferson received a majority and became President, Burr being the Vice-President.

The new President, not forgetful of the anxious years he had passed and of the narrow margin by which he at last succeeded, like an adroit politician, took measures to strengthen his party. He soon proclaimed, "we are all Federalists; we are all Republicans"; and he wanted it understood that we were all Americans and patriots. He retained in office many Federalists and offered desirable positions to others. He was astute to reconcile those who might be helpful to his administration.



## CHAPTER XII

### REPUBLICANS IN POWER

Macon Speaker.—Appointments tendered Davie, Steele and Hawkins.—The Federalists sustain the *Minerva*.—The Federal Court.—The “midnight judges.”—Dominie A. Hall circuit judge.—Court held at Bloomsbury.—Potter judge.—The Court of Conference.—Women heir to husbands in certain cases.—The new Judiciary Act repealed.—Chief Justice Marshall.—His views.—Death of Charles Johnson.—Duel between Stanly and Spaight.—A drastic law enacted.—Negro insurrections.—Governor Williams urges general education.—Graham’s plan.—Colonel Ashe elected Governor.—Dies.—Turner Governor.—The Tuscarora reservation to belong to the State.—The Federalists lose popularity.—Davie and Alston.—Davie leaves the State.—Both houses of Congress presided over by North Carolinians.—Turner urges education.—Dudley’s measure.—O’Farrell’s Bill.—The House more conservative than the Senate.—Louisiana purchased.—New England alarmed.—Considers a northern confederacy.—The importance of the territory.—Robert Williams.—Emigration.

#### **Speaker Macon**

Willie Jones having died in 1801 his mantle had fallen on the shoulders of Nathaniel Macon, the representative from the Warren district. Besides now for the first time the speakership of the Federal House of Representatives was accorded to the South, and Macon was elected Speaker. As such, he was brought nearer than ever to the President, and there were close and cordial relations between them. He was very much of a politician, and thought it best to appoint to office men in line with Republican policies, and he coöperated with the President in tendering appointments to Davie and Steele. Davie had returned from France in December, 1800. He had not yielded to the solicitations of his friends to contest the seat in Congress with Willis Alston, but in January, 1801, he accepted employment from Governor Williams to establish the line between North and South Carolina.

In June Jefferson and Macon offered Davie and Benjamin Hawkins very considerable employment, on a commission to negotiate treaties with the southwest tribes of Indians. Davie Hawkins accepted; but Davie already had other engagements. However, in a letter to Steele, in August, Davie related the circumstances, and said: "My Federal friends were generally violently opposed to my acceptance, while those who are attached to the principles of the present administration discovered great anxiety that I should accept the appointment." He himself apparently saw nothing to forbid it, but he declined because of other engagements. Indeed, one of the matters then uppermost in his thoughts was to secure the future of his party. He opened up a correspondence with Steele and others for forming plans to that end. The result was that the *Minerva* at Raleigh was to be sustained by voluntary subscriptions made by a number of gentlemen, one of the objects being to counteract "the wild and visionary projects of Democracy and establish the practical principles of Federalism."

Dodd: Life  
of Macon,  
178, 179

### Federal Court

But while Jefferson was seeking to build up his party, he was not complacent regarding the action of the Adams administration. He regarded the Alien and Sedition Acts as unconstitutional and manifested his opinion by releasing men who had been imprisoned under them. The Judiciary Act had hurriedly been amended by providing for the appointment of fifteen circuit judges and other judges as well, and in the expiring hours of his administration Adams had appointed many of these judges, known as "midnight judges." Among them was William H. Hill, formerly district attorney, and later a member of Congress from the Wilmington district and one of the best educated and most influential of the Federal leaders of the State. This act was now to be repealed. But before its repeal, under its requirements, President Jefferson appointed Dominie A. Hall



of South Carolina to be the presiding judge of the circuit court of the Fifth District, that included North Carolina, and Hall exhibited his commission at the district court at Raleigh. When the act was repealed Hall was appointed to be judge of the district court of Louisiana.

Acts 1792,  
ch. 1

North Carolina in 1790 had been constituted "a district," and the circuit and district courts were to be held at New Bern, Judge Sitgreaves being the district judge. The district courts were to be held at New Bern, Wilmington and Edenton. At the November term of 1792 the circuit court was not held.

Circuit  
Court at  
Bloomsbury

Under the peculiar situation in 1802, President Jefferson in May appointed Henry Potter district judge; and on the same day appointed Edward Harris of North Carolina judge of the circuit court, and in June they held the last circuit court under the Adams system in the State. On July 1 the whole system fell. The law under which the circuit court judges were appointed being repealed, they all were legislated out; but Henry Potter, having been appointed to the district court in the place of Judge Sitgreaves who had died, continued as district judge. In June, 1793, Judge Patterson attended at New Bern and the circuit court was held there, the last; for by act of March 3, 1793, the circuit court was "to be held at Wake courthouse until some convenient accommodation can be had in the city of Raleigh," so on November 30, 1793, the court was held in the courtroom of Wake courthouse, described "as a log building on the hillside in front" of the Boylan homestead in Bloomsbury. The circuit court continued to meet in Bloomsbury until June 1, 1797, when it was opened by Judge Sitgreaves in the courthouse in the city of Raleigh. However, Judge Samuel Chase of Maryland, who had been appointed the year before, did not attend, and no court was held; but in November, 1797, Judge James Wilson did attend and the first circuit court was held in the courthouse at Raleigh. This was on the courthouse lot on Fayetteville

At Raleigh

Street, "of wood, rectangular, of the shape of an old-fashioned meeting house." It was used until 1835.

### The Assembly

When the Assembly met it was Republican to the core and the same officers were reëlected. 1801

The Assembly was pleased with the result of the act requiring the judges to confer on undetermined questions arising on the circuit which had had a beneficial operation, and as it was about to expire, the act was now extended for three years longer, and the Assembly gave the court the name of "The Court of Conference." Court of Conference

There was at this session a notable change in the law of inheritance, again favorable to the women; the widow was declared the heir of the husband who had no relative who might claim as heir. This operated to prevent escheat.

The agitation against the Judiciary Act with its corps of new judges had been pressed so vigorously by the Republican leaders, that the Assembly passed a resolution instructing the Senators and recommending the Representatives, to vote for its repeal; while the Alien and Sedition Act having been limited to two years had already passed away. These instructions presented a question which the Federal leaders unwisely emphasized into an issue to their discomfiture. Ch. Justice Marshall

On March 8, 1802, Jefferson had the pleasure of signing the bill repealing the new Judiciary Act and the old system was now restored, the circuit courts being held by a justice of the Supreme Court and the district judge. The North Carolina circuit was selected by the Chief Justice, John Marshall, who had been in Adams's Cabinet and had been transferred from the Cabinet to the court. He presided as chief justice at the February term, 1801, of the court, but continued to act as Secretary of State until March 3, 1801. He had been a participant in the debates in the Virginia Convention that adopted the Constitution, and made a very elaborate exposition of the provisions of the proposed Elliott's Debates: Virginia Convention, 394



constitution concerning the judiciary. His view was that announced by Iredell; Marshall's general opinion was that the Constitution should be reasonably interpreted, having in view the objects for which it was adopted. The disposition of some Federalist judges to go to an extreme limit had already been curbed by the eleventh amendment; while, on the other hand, Federalist anxiety and dread of the possible action of the Republicans was found to be without foundation.

Marshall's  
influence

The Chief Justice held the circuit courts in North Carolina, and he was so highly esteemed and respected that the sharp divergence between the two parties largely subsided. Party spirit was allayed and the masses gave their confidence to the administration. In particular was this so in North Carolina where the great Chief Justice exerted a beneficial and elevating influence.

During the early part of 1802 Charles Johnson, the Representative in Congress from the Chowan district, died, and at the August election Gen. Thomas Wynne of Hertford was elected to the vacant seat. General Wynne, "able, wealthy and benevolent," had for ten years served as Senator from Hertford County, and had been a Jefferson elector and was a staunch Republican. He took his seat December 7, 1802.

### Stanly-Spaight duel

Winston:  
Hist. of  
Hertford, 83

Governor Spaight, who had been the Senator from Craven, was again a candidate as a Republican. During the canvass John Stanly, who was then in Congress, took the stump to defeat Spaight, although Representatives in Congress were not to be elected that year. There were frequent discussions between these great leaders, which became personal and bitter. Stanly charged Spaight with dodging, under the plea of ill health, when the Alien and Sedition Act was before Congress. Spaight was elected. He replied to Stanly's charge in a handbill which caused Stanly

to send a challenge. The meeting took place the same day, Sunday afternoon, on the outskirts of New Bern, September 5, 1802. On the fourth fire Governor Spaight was mortally wounded and died the next day. Spaight was then about 50 years of age, a man full of honors and usefulness; Stanly was but 27. Criminal proceedings were instituted against Stanly—but he made such representations to Governor Williams that the Governor pardoned him. To fill the vacancy caused by Spaight's death, at a by-election, William Blackledge was chosen Senator.

The Legislature, shocked at this unfortunate affair, by which the State was deprived of one of its most esteemed citizens, immediately passed an act making "ineligible to any office of trust, honor or profit, any one sending, accepting or bearing a challenge, and he shall be liable to be indicted, despite any pardon or reprieve; and in case of a duel, and either party is killed, the survivor shall suffer death and all aiding and abetting shall likewise suffer death." This drastic legislation doubtless had some effect, but still in time there were those who risked life on the field; and among them were three other Stanlys.

Duels made  
criminal

### Negro insurrections

In September, 1800, there had been a well-prepared plan for an insurrection at Richmond, Virginia. A slave, Gabriel Prosser, calling himself "Bonaparte," was at its head. Eleven hundred negroes were to assemble six miles from the city, and being arranged in three bodies were to march that night and take possession. Success was to be followed by a call to arms of all negroes on the continent. All male white and elderly women were to be slaughtered, the young white women saved for wives. The plan fell through, and Gabriel was captured three weeks later on board a vessel down the James. This attempted rising caused much apprehension and excitement. Perhaps the negro insurrection in San Domingo may have had some in-



Sprunt  
Mon., XIV,  
83, 84

fluence on the minds of these usually amiable and submissive slaves. At any rate, serious combinations were discovered among them in Hertford and Washington counties, and there were many rumors of negro risings throughout the northeastern counties which often created a wild panic.

Battle's  
Raleigh address

An actual rising in June, 1802, caused great alarm. Frank Sumners was at the head of it. This discovery created apprehensions from Tar River to the Atlantic. Volunteer companies were organized for patrolling and for arresting suspected persons. At one time 100 men were locked up in Martin County. Similarly, about the same time, there was great excitement in Franklin County and throughout the middle section of the State, and many arrests were made. The Legislature in consequence, passed a law, looking to the suppression of negro insurrections; but the period of unrest apparently passed away without leaving any deplorable results to regret.

Moore, II,  
438

### **Ineffectual movements for education**

Governor Williams in his last message to the Assembly called attention to both internal improvements and public education. "Our inland navigation and the still greater importance of providing thorough, adequate and suitable means for a general diffusion of learning throughout the State . . . a far more estimable end . . . that our posterity will be enabled at all times and on all occasions, duly to appreciate and properly understand and defend their natural, civil and political rights; in fine, that with enlightened minds, and the consequent love of freedom, they will never cease to be free." This was the first suggestion of general education, but the suggestion fell on unaccustomed ears and it was then not heeded.

Graham's  
plan

In August, 1802, General Joseph Graham, one of the heroes of the Revolution, proposed an elaborate plan for a military academy, the State to make provision for the support of the students, one student being allowed for each of

the 80 militia regiments of the State. The course of instruction was to be such as to fit the students to be officers of the militia. Nor was this proposition acted on by the Assembly. Had the plan been adopted, it doubtless would have been highly beneficial in its effects.

#### **Death of Colonel Ashe**

This being the close of Governor Williams's term, Col. John B. Ashe was elected his successor, but when the Committee waited on him at his residence at Halifax, he was found to be ill; and in a few days, he died, at the age of 54, much lamented. He had been one of the best officers of the Continental army and, later, was leader in the Continental Congress. Senator James Turner of Warren was then elected Governor, taking his seat on the first day of December. Turner,  
Governor

#### **The Tuscarora lands**

The Tuscarora Indians had been given a reservation on the Roanoke River in 1715, when a large number of them moved to New York, their original region, becoming the sixth nation there. In 1766, they had leased for fifty years a part of their land in Bertie County to Robert Jones, the father of Willie Jones; and now the remaining Indians wished to lease or dispose of the rest of their land and go north. The agent of the State arranged for such a lease, and the Assembly ratified the agreement, one of the conditions being that the lease was to expire in 1816, along with the first one; and then the entire reservation was to become the property of the State. As this arrangement had to be in the way of a treaty with the tribe, which could be made only by the general government, President Jefferson appointed Davie a commissioner on the part of the United States, and the treaty was duly executed at Raleigh, December 4, 1802, and submitted to the United States Senate February 13,



1803. By this treaty the Tuscarora tribe of Indians ceased to have any connection with North Carolina.

### **The defeat of Federal leaders**

Davie defeated

At the election of August, 1803, Congressmen were to be chosen. The result proved the bad policy of the Federalist leaders in making an issue with the Assemblymen in the matter of recommending the Representatives to vote for the repeal of the Judiciary Act. The Federal Representatives in Congress had antagonized the Assembly, and Archibald Henderson, Steele's brother-in-law, made a speech voicing the determination of his three Federalist associates to ignore the recommendation of the people's representatives in the Legislature. It sounded the death knell of those members. The result in its effects on the life of Davie was lamentable. Two years earlier he had declined to contest the seat in Congress with Willis Alston; but this year, Mr. Jacocks, a Republican, was in the field against Alston; and there seemed to be no doubt that Davie, polling all of the Federalist strength, could come in between them. He yielded to the solicitations of his friends and announced himself. Mr. Macon, now the Speaker of the House, and close to the President, and at the head of the party in the State, at once interfered. He succeeded in influencing Mr. Jacocks to withdraw. Davie made no speeches, but the campaign against him took a personal cast, and according to tradition, which, however, cannot always be relied on, his aristocratic bearing was dwelt on to his prejudice.

Willis Alston himself was a gentleman and a man of such intellectual force that some years later he was the chairman of the very important Committee of Ways and Means in the House of Representatives.

Davie fell a sacrifice to his party. He keenly felt the blow. Iredell, Judge Sitgreaves, Allen Jones, Willie Jones and John B. Ashe had died, and Judge Samuel Johnston had retired from the bench and the Federalists were exiled from

public places of honor; and Davie was bereft of his wife, leaving him with a number of young children to care for. Two years later, having arranged his North Carolina business, he retired to his plantation, Tivoli, on the Catawba in South Carolina, but he continued to correspond with his North Carolina friends and he put his daughter in school at Salem and his sons were educated at the University, of which he was more largely than any one else, the founder, and where his name and fame are perpetuated.

Davie moves  
to South  
Carolina

### North Carolinians preside in Congress

Macon had served so acceptably as Speaker that at the meeting of the Congress in October, 1803, he was reëlected; while in the Senate on March 10, 1804, Jesse Franklin had become so highly esteemed that he was chosen president pro tem. of that body, to preside whenever the Vice-President was absent, and for a year these highest posts of honor in the two bodies were held by these North Carolinians.

1803

### The House not favorable to education

When the Assembly met Governor Turner followed the example of his predecessor, declaring: "Too much attention cannot be paid to the education of youth, by promoting the establishment of schools in every part of the State." The subject was interesting to others, Christopher Dudley, the Senator from Onslow, introduced a bill providing for a seminary of learning in each district and appropriating for their use one-half of all moneys arising from escheats in that district. This bill passed the Senate but failed in the House. Then Senator O'Farrell introduced a bill to establish a uniform and general system of education throughout the State, but while the bill required that academies should be established in each county, the only source of funds mentioned was donations. This also failed in the House.



There was always a chance for some divergence between the Senators and the Representatives in the House of Commons although both were to be freeholders. The Senators were elected only by freeholders; while for members of the House any freeman who had paid his taxes could vote. The electorate for the latter was therefore different and was virtually based on manhood suffrage. Even free negroes could vote. Senators had to own three hundred acres of land, while the qualification of a member of the House was only fifty acres. The Senate therefore might well have been the more conservative body; but in the matter of public education it was the House that rejected the proposed measures. Evidently the less enlightened people constituted the opposition, and it was so likewise as to other measures proposing improvements.

Presidential  
electors

It was the duty of the Legislature to appoint electors, and following the North Carolina practice, it passed an act providing for their election by districts.

### **The purchase of Louisiana**

The year 1803 was marked by an event of great importance. Spain held Florida from the Georgia line to the Mississippi just below Natchez and also Louisiana, extending from the Gulf of Mexico northward to Red River, then west to 100th degree of longitude, then north to the British dominions. Save a few scattered settlements this vast territory was unoccupied and unexplored. Jefferson, without the sanction of Congress and, in his own opinion, without constitutional warrant, purchased this wilderness for the United States. Spain had conveyed Louisiana to France, the actual possession passing at New Orleans November 30, 1803. On Jefferson's purchase, the actual possession was delivered by France at New Orleans on December 20, 1803, France holding the actual possession less than a month. The delivery was to William Claiborne and Wil-

liam Wilkinson "in the name of the Congress of the United States."

The Federalists of New England were alarmed, conceiving that there would be created states toward the south that would endanger their welfare in the Union. Some of them formed the project of dissolving the Union and forming a northern confederacy. They claimed that the interests of the northern states required a northern confederacy. This project was extensively discussed by the members of Congress from Massachusetts and Connecticut and a meeting was arranged to be held at Boston in the autumn of 1804. But better counsels prevailed and New England acquiesced in this purchase. The settlers in Kentucky and Tennessee and along the Ohio had free access to the Mississippi River and an outlet to the markets of the world through New Orleans; and the purchase provided the means of indefinite expansion to the westward free from any interference by foreign powers. In this view, the acquisition of that vast territory was the most important event in the history of the country except the Declaration of Independence and the formation of the Union. It had its political effect in strengthening Jefferson in the esteem of the masses; but the Federalist leaders did not abate their antagonism.

A northern  
confederacy  
proposed

Papers Am.  
Hist. Assn.,  
I, 252

Cooley: In.  
Hist. Soc.  
Pam., No. 3

Robert Williams of Rockingham County was now charged with the responsible duties of a commissioner to ascertain the rights of persons claiming land in the Mississippi Territory; and in 1805 he became Governor of that territory, administering its affairs for four years. Later he settled at Monroe, Louisiana.

With the opening of this western territory, there began a movement of population from North Carolina to the west and northwest, at first hardly observable but gradually increasing in volume until it reached its culmination in the decade ending 1840 when the whites did not increase three per cent and the quarter of a million of blacks showed no increase at all.

Effect on  
North  
Carolina



## CHAPTER XIII

### TURNER'S ADMINISTRATION

Jefferson again elected.—Macon's influence.—Fears propaganda against slavery.—Does not favor public schools.—Turner's efforts in vain.—Cotton and negroes.—Result of cotton gin.—Cotton mills.—South Carolina reopens slave trade.—Severely reprobated in North Carolina.—Proposes a constitutional amendment.—The problems.—"Persons of color."—The State Republican.—Stokes elected Senator.—Declines.—Only one Senator.—The Supreme Court.—The Granville Claim.—Progressive measures.—The currency.—The Bank of the United States.—The only specie foreign coins.—Bank of Cape Fear at Wilmington and Bank of New Bern.—The State Bank.—Records may be kept in United States currency.—Absence of transportation facilities.—The east dominates.—A convention voted down.—Turner Senator.—Alexander Governor.—Superior courts held in each county.—Franklin Senator.—Stone and Lowrie judges.—Women allowed benefit of clergy.

#### The election

1804

At the presidential election Connecticut and Delaware alone voted solidly against Jefferson. In Maryland he lost two votes; every other electoral vote was cast for him and George Clinton of New York, who was a near kinsman of the North Carolina Clintons of Sampson County. By the casting vote of Speaker Macon a constitutional amendment had been submitted to the states, which they adopted, requiring the electors to vote for the President distinct from the Vice-President, so although each Jefferson and Clinton received 162 votes a contest like that between Jefferson and Burr did not arise.

#### Macon's influence

The cry of "party" in North Carolina as elsewhere was now largely hushed. The field was clear for the wise and progressive men of the State to improve conditions. But unhappily the leaders were much in love with Macon, who was even less inclined to progress than Willie Jones had been. The fundamental basis of Macon's political creed

seems to have been that the function of government was simply to afford protection to individual rights, leaving other matters to the people themselves. In his view it was not for the State to engage in works of internal improvement or to educate the people, but merely to maintain an economical, honest, efficient government. In Congress he was, first, for observing the limitations of the Constitution; then for economy; and as he had seen many appropriations for improved facilities wasted, the projects proving abortive, he held that if anything was worth doing, individuals and private capital would be found to do it.

In particular, he early realized that the propaganda against African slavery was a menace. As to that he was seer and prophet. It may be said that he did his own thinking and, though not a disorganizer, he never suppressed his intelligence while according to others the right to follow their own judgment. Although his career in Congress reflected honor on the State it was unfortunate that his statesmanship as to community matters was not broader, having for its object to elevate the masses and improve social conditions. On the other hand, his proudest boast was that "there was no state in the Union more attached to law and order than North Carolina."

### **Illiteracy**

Despite the efforts made to maintain academies and private schools, the mass of the people was growing up illiterate, and Macon held that it was not a function of government to provide educational facilities. He was not alone, for in the Assembly were many of the first men of the State and their nonaction was in line with his views.

In vain had Governor Turner emphasized the recommendation of Governor Williams, in vain had he called on the Assembly to provide "that the children of the poorest citizens might have access, at least, to necessary instruction." And, in his last message, in 1805, he said: "It is evident



that the situation in our State calls for legislative aid"; but his voice fell on unresponsive ears; and so it continued, each successive Governor, at every session, pressed the subject, but without avail.

### Cotton and negroes

The introduction of the gin had already given an impetus to the cultivation of cotton, which, however, was much more observable in South Carolina and Georgia than in North Carolina. Indeed North Carolina was not much affected by it. In 1792 the entire cotton crop of the South was only 138,328 pounds, ten years later it had risen to 27,500,000 pounds, and in 1805 to 40,330,000 pounds; but North Carolina's crop was only one-tenth of that quantity. The price was highly remunerative, being about 30 cents, and in 1798 as much as 40 cents, but after that high water mark there was a recession.

McCulloch:  
Commerce,  
I, 532

In England there had long been some cotton mills, and about 1790 some were erected in Massachusetts; but these were not similar to the mills later built. Machinery was for carding and spinning only. The looms were like those in the homes of the people, hand looms; and it was not until 1816 that the power looms were introduced.

Nevertheless while only hand looms were in use the demand for cotton was now so constant that its culture went forward with leaps and bounds; and under its stimulus, South Carolina in 1803 repealed the prohibition that State, in common with all other states, had enacted against the importation of negroes.

South Caro-  
lina reopens  
the slave  
trade

In Charleston, it is narrated that every one invested every dollar he could command in imported negroes, and nothing else was bought. Although the slave trade was not open longer than four years, there must have been brought into Charleston forty thousand negroes. In 1800 Georgia and South Carolina had but 205,000, and ten years later they had 301,000, at least forty thousand more than the natural

increase. This opening of the slave trade was severely reprobated in North Carolina. When the Assembly met in November, 1804, Senator William P. Little of Warren introduced a resolution instructing the North Carolina Senators and Representatives in Congress to propose an amendment to the Constitution prohibiting the slave trade. Gen. Benjamin Smith from the committee to whom the resolution was referred reported it back favorably; and it was adopted; and it was ordered to be communicated to the executive of every state.

North Carolina protests

North Carolina at that time was not indifferent to the negro question in the various shapes in which the subject of the African race was presented; one-third of the population were negroes, and the country was but sparsely settled. There were influences exerted for emancipation, but it was not desirable that the number of free negroes should be increased while the agitation for emancipation unsettled the negroes held in slavery and led to apprehensions. And this is to be observed that in all the references to negroes at that period they were not mentioned as Africans or as negroes, but as "persons of color"; such was the usual designation in all the laws for many years. And as "persons of color," when free, they were "freemen" and were allowed to vote. At the session of 1804 there was a proposition that passed the Senate, to prohibit free negroes from voting. It, however, failed to pass the House. A proposition of a different tenor prohibiting slaves from hiring their own time was adopted, while the strong declaration against the slave trade indicates the attitude of the State as unfavorable to the unnecessary extension of slavery. The situation, even in those years, was difficult and embarrassing.

Persons of color

### The State with Jefferson

The Assembly was thoroughly Republican. The former officers were reëlected, including Governor Turner; and a resolution receiving in the Senate, where Federalism was



always stronger than in the House, 32 votes to only 8 in the negative, was adopted, expressing the highest confidence in the administration and applauding the purchase of Louisiana. Indeed, at the election of presidential electors every district was for Jefferson.

Senator Franklin's term was now expiring, and he declined to be a candidate for reëlection. Speaker Cabarrus and Gen. Benjamin Smith both declined to be candidates. After several ballots, Gen. Montfort Stokes was elected Senator. But he did not desire the appointment and declined it. However, the Assembly was not advised of his declination before it adjourned; and during the year there was but one Senator from the State, Judge Stone.

Senate  
Journal,  
1804

#### **The Supreme Court**

At this session of the Assembly the Court of Conference was retained as a permanent court of record, and the judges were required to reduce their opinions to writing and to deliver them in open court; and it was provided that a single judge could hold a Superior Court.

The next year the name of the court was changed to "The Supreme Court," and the desire of Governor Sam Johnston was on the eve of accomplishment.

#### **The Granville claim**

In 1804 there had been instituted in the circuit court of the United States, at Raleigh, a suit of great magnitude. It was brought by the heirs of Earl Granville against Josiah Collins and Nathan Allen, and a similar suit against William R. Davie. The basis of the action was the claim set up under Granville's title to the upper part of the State and extending to the Mississippi River—all the land which in Colonial days had been held by Granville and which he had not granted to settlers. Under the terms of the Treaty of Peace it would seem that the Granville right and title had been preserved. But the State contended that by its Constitution, declaring

1804

the boundaries and limits of the State and asserting the sovereignty of the State therein, it had put an end to all the rights of the Crown in that domain, and of the Granville right likewise. In its scope this case was doubtless the most important ever before a court in the State, and it excited a great deal of public interest. Mr. John London of Wilmington was the agent of the Earl of Coventry, successor by devise to Earl Granville. He employed William Gaston and Edward Harris for the plaintiff. The defendants were represented by Judge Duncan Cameron, M. Woodsford, Blake Baker. The title of the case was "Doe on the demise of George William Coventry and others against Josiah Collins and Nathaniel Allen; ejectment." The plea of the defendants was "common rule," "not guilty." On June 18, 1804, Chief Justice Marshall and Henry Potter sitting, a jury was empaneled, one of the jurors being Joseph Gales. Evidence was introduced, and a demurrer to evidence being tendered and joined, the jury was thereupon discharged. At the December term, it was moved on behalf of the defendants that the demurrer to evidence be discharged. This motion being opposed by plaintiff's counsel, on argument it was ordered: "The court will consider further thereon till next term of court." At the next term, when the case was reached, the entry is: "The motion made in this cause at the last term to discharge the demurrer to evidence being further argued, it was ordered by his Honor, Judge Potter, who filed a long and elaborate opinion, (his Honor the Chief Justice utterly declining to give any opinion thereon) that the said demurrer be discharged, and that a jury be again empaneled to try the issue of fact joined between the plaintiff and defendant in this cause. To which said opinion and order, counsel for the plaintiff in behalf of the said plaintiff did then and there in open court except. . . . The jury find the defendant not guilty of the trespass and ejectment stated in plaintiff's declaration. Bill of exceptions filed and ordered to be made part of the record." The

H. G.  
Connor in  
Univ. Pa.  
Law Review,  
Oct., 1914



case went by appeal to the Supreme Court of United States, but was not prosecuted; and some years later was dropped. Such was the termination of this important litigation.

Progressive  
measures

Before the session of 1804 had closed academies were incorporated for Greene County, in Moore, at Hyco, and Smithville and steps were taken to open Fishing Creek, to cut a navigable canal through the Dismal Swamp from Camden to Gates, to improve the Yadkin, Little River and Ocracoke Inlet, and for cutting navigable canals from the Roanoke to the Meherrin and from Bennetts Creek to the Nansemond.

### **The currency**

Prior to the introduction of banks the ordinary currency had been foreign silver pieces, particularly the coins struck off by Spain and its dependencies. The United States coinage laws authorized the mint to strike off both silver and gold coins; but no silver had been found in this country and only a little gold, while the disturbed condition of commerce incident to the European war had resulted in cutting off our supply of silver. Indeed, the world's supply of silver had become so limited that that metal was scarce and had appreciated more than three per cent, with the effect of leading to the exportation of our silver dollars, and reducing our circulation. To stop this, the coinage of the dollar piece was forbidden, and only fractional currency was in use. To meet the conditions paper money had to be resorted to.

The Bank  
of U. S.

A bank had been established by Congress, the Bank of the United States, that was allowed to open offices in the several states to handle the government collections; but no trace of its usefulness is preserved so far as North Carolina is concerned. A community without banking facilities would now be in a deplorable plight, and at this period to transact financial business the State had to rely on the facilities offered by the merchants, particularly those of the

seaports. The currency of account was pounds and shillings, while the currency of the United States was dollars and cents; and there being virtually no United States coin in the marts of commerce, foreign coins were the only specie in use. But in 1804 the Legislature manifested a commendable spirit of progress or rather reflected the spirit that was beginning to pervade the people. Reciting that the commerce of Wilmington and Fayetteville needed banking facilities, the Bank of Cape Fear was incorporated to be opened at Wilmington with a branch at Fayetteville and with a provision that the State could subscribe for 250 shares of the stock; and another act incorporated the New Bern Marine Insurance Company and also the New Bern Bank. These banks were allowed to issue their own notes as currency, not in excess of three times their capital, and otherwise limited. This was one of the first movements looking to the association of capital in community operations. It betokened growth, development, a breaking away from the past, new things in the life of the communities; and the next year the Legislature chartered the State Bank of North Carolina, which it was hoped would absorb the other banks. But at the following session the charter of the State Bank was repealed: yet only to be reformed and revived at the session of 1810. By that act, the mother bank was to be at Raleigh, with members at Edenton, New Bern, Wilmington, Fayetteville, Tarboro and Salisbury. The State was to take \$250,000 of stock; and notes could be issued not in excess of \$4,800,000 over deposits. No other bank was to be established; and it was hoped that this new institution would absorb the banks of Cape Fear and of New Bern. It was modeled somewhat after the Scotch banks, but was not particularly authorized to pay interest on deposits, which was one of the peculiarities of the Scotch banks. The advantage to the people and to the State of these new financial institutions was immense. There was now some hope of substantial improvement.

The currency

State banks

1804

1809



Dollars  
and cents

- In 1809 it was found convenient for accounts and records to be kept in dollars and cents, instead of pounds and shillings; and the Legislature enacted that "hereafter the currency of the United States shall be recognized as the lawful currency of this State, and it may be lawful for the records to be kept in dollars and cents," but it was not obligatory. However, this step tended to eliminate one of the subsisting differences between North Carolina and the United States; the people were getting to have the same unit of value and to think in dollars and cents.

### **The east opposed to progress**

1805

Among the palpable and potent drawbacks to progress in the State was the absence of transportation facilities. The Legislature had sought to mitigate this evil by having road laws, by providing that the highways should be kept open, and by constant legislation in regard to inland navigation. At the session of December, 1805, the committee to whom was referred the Governor's message relating to "inland navigation, public roads and the education of youth," reported that "they are of the opinion that although the situation of the State requires legislative aid, yet for the want of sufficient funds, an interference at this time would be inexpedient," and the House concurred in the report.

Conv. Journal, 87

Thirty years later in the State Convention, Wellborn, then well advanced in years, attributed the indifference of the Assembly to internal improvements to the preponderating voice of the east in the legislative halls. He said that thirty years earlier he had brought the subject of eastern control before the Legislature, but without avail. They had replied: "Nature has supplied us with the means of reaching a good market and we will not be taxed for your benefit."

The key to the situation was the dominancy of the east, and that was secured by the provisions of the Constitution that could not be changed. December, 1807, Mr. Terrell

offered a resolution that it is expedient to provide by law for calling a convention to revise and amend the Constitution. The House was not of his mind; the vote was only 21 affirmative and 99 in the negative. The effort was hopeless.

During Turner's administration the Legislature passed an act requiring the Governor to reside in Raleigh the entire year, and a frame house was erected for him on the southwest corner of Fayetteville and Hargett streets. 1807

### **Governor Alexander**

At the session of 1805, there being a vacancy in the Senate, Governor Turner was elected to fill it; and Nathaniel Alexander was chosen Governor, and "Alexander Martin, LL.D.," was elected to preside over the Senate. Governor Alexander had hardly been inaugurated before he notified Speaker Martin that he was unable to attend to his duties as Governor; and thereupon the Senate elected Joseph Riddick speaker pro tem., while Speaker Martin discharged the duties of Governor. But that situation did not long continue, for soon Governor Alexander was back in his office.

### **Superior Courts in every county**

The year 1806 marked a particular change in the judicial system. The State was divided into six circuits, and a Superior Court was to be held twice a year in each county; before that the Superior courts had been held in districts composed of several counties; and it was burdensome for the suitors to attend them. Now, one judge rode a circuit, and courts were held in every county. That required an increase of two judges. Senator Stone's term as Senator was drawing to its close and Jesse Franklin, who had two years earlier declined to be a candidate to succeed himself, now contested Stone's reelection and again became a Senator. Senator Stone and David Lowrie were elected the additional judges. Stone thereupon resigned from the Senate 1806



February 17, 1807, and took his seat on the bench. After that, all of the judges being members of the Supreme Court, there might have been six in attendance; but any two constituted a quorum for the transaction of business.

Women  
allowed  
benefit of  
clergy

5 N. C.  
Reports, 112

A novel question now came before the courts. Elizabeth Gray was convicted of grand larceny, and there was a doubt whether a woman was entitled to the benefit of clergy. The court in conference held that there was no reason why females should not be equally entitled as males; and the Legislature, to settle the matter, passed an act to that effect December, 1806; but in the same enactment it was provided that persons who robbed houses in the daytime should be excluded from the benefit.

## CHAPTER XIV

### STEPS TOWARD WAR

Macon loses speakership.—Refuses Cabinet appointments.—Jefferson's measures for peace.—The embargo.—The Assembly invites Jefferson to stand for a third term.—New England against the embargo.—Stone Governor.—Gaston.—The Assembly sustains the administration.—Henderson and Wright judges.—Gaston Speaker.—War preparations.—Jacob Henry urges religious tolerance.—Embargo gives place to nonintercourse.—Macon's statesmanship.—Stone's message.—The press.—Gates for progress.—Seaton.—France and Great Britain seize our ships.—Smith Governor.—At Washington.—Hawkins Governor.—Steele Speaker.—Henry Clay.—The Federalists for England.—William R. King.—Electors to be chosen by Assembly.—Public indignation.—Domestic commerce.—Wilmington, New 'Bern.—A regiment raised.—Polk Colonel.—Physical phenomena.—The Declaration of War.—Political differences.—The Republicans hold the Assembly.—Stone Senator.—Stay law.—Steamboats.—Death of Mrs. Alston.

#### **Macon**

1807

Mr. Macon had had a distinguished career as Speaker of the House. He had been a strong leader for states' rights under the Constitution and for the Southern interests and for suppressing the agitation born of the continuance of slavery at the South. He ever had an independent mind; and likewise, he had some eccentricities.

In 1802 Macon, on intimate terms with the President, had advised him to purchase Florida. Two years later, the President asked for an appropriation of two million dollars to make the purchase. Randolph, the chairman of the Committee of Ways and Means, Macon's appointee and Macon's friend, would not coöperate. The President turned to Varnum of Massachusetts, Macon's competitor in the House, and Varnum got it for him. There were other causes of divergence. At length, when the Congress of 1807 was expiring, the Republicans still being in control, Macon realized that he would not be again chosen Speaker. He was out of tune with those who had looked up to him from the floor of the House for six years. To avoid being

Dodd:  
Macon, 201



Dodd:  
Macon, 219

Ibid., 216

Impressment

1808

The  
embargo

present when the Juggernaut car was to parade, he remained at his home in Warren, until Congress had been in session a month and Varnum, his old competitor, had grown accustomed to the Speaker's chair, and even then it was some considerable time before he manifested interest in the debates. While he was Speaker Virginia and North Carolina had a dominating influence on the general policies of the country—now Massachusetts ruled the House. But Macon was of such consequence that the President had no wish to ignore him, and indeed they had ever had much in common and Jefferson was under lasting obligations to North Carolina. Twice the President offered him a seat in the Cabinet; and twice he put aside the proffered honor.

All Europe was at war, on land and water. New England's ship-building industries had become extensive and the sails of her vessels whitened every sea. Her enterprising mariners were absorbing the carrying trade and giving comfort to Britain's enemies. Britain claimed the services of all her subjects and took them where she found them, especially her seamen on board American vessels. Jefferson, not a warrior, but of the closet and, desiring to preserve peace, sought to induce Britain to desist by peaceful measures. An act was passed in April, 1806, prohibiting the importation of British goods; however, Jefferson, as well, proposed measures of defense.

At first Macon, on the floor, was not in accord with the administration, but later when an embargo was proposed, and an army was to be raised, he fell into line. By the Embargo Act of December 22, 1807, no vessel was to be cleared for any foreign port whatever. Commerce ceased. Hushed were the busy wharves. The merchants closed their doors. The seamen's vocation was gone. Industry was stagnant. Only the manufactures of New England and Pennsylvania found a ready sale. The products of the plantation had no purchasers. The Southern planters were hit hard. It was at that time, however, that the making of salt was renewed

along the coast, and the looms at home were busy supplying clothing. But privations and loss and suffering were borne because they were in the interest of peace; and while there were some divisions the mass of the people sustained the President.

At the election, the Republicans held their own. When the Assembly met, Joshua G. Wright, who had represented the borough of Wilmington for many years, became the Speaker of the House; and although Governor Alexander sought reëlection, Williams was chosen. The conditions were so serious that disregarding the example Washington had set, the Assembly, in an address to Jefferson, invited him to allow his name to be presented for a third term. In the House Gaston opposed this resolution, but it was adopted by a vote of 83 to 35. Jefferson, however, did not assent.

Benj.  
Williams  
Governor

At the next session of Congress matters of great interest were in the minds of the members: was it to be peace or war? Jefferson not being a candidate, there were several factions, proposing Monroe, Madison, Gallatin and others. Macon had joined none of them. Madison was brought forward, with Clinton of New York for the vice-presidency. Jefferson's peace policy was approved by the masses; New England, suffering from the embargo, alone did not concur. Madison swept the other states, but the embargo was deeply felt, while preparation for war was necessarily made. Such were the conditions when the Legislature of the State assembled. Stone was elected Governor, his retirement from the bench causing a vacancy. Then Judge Spruce McCay had died, and although the Governor had given a temporary appointment to Blake Baker, that vacancy was also to be filled.

The  
presidency

Stone  
Governor

The former speakers were retained. In the House, Gaston now in his second term, was the member of the first consequence. His superiority was evident. The respect accorded him was notable. It was not merely his superior

Gaston



Biog. W.W.  
Seaton, 23

intelligence, but his personality that distinguished him. A description of some local theatricals at Raleigh about that time runs this way: "There sat the learned, genial Gaston, who was equally happy in a sentimental song and convivial chorus, or in racy anecdote; unbending from his usual staid reserve was Nathaniel Macon, whose name has stood as a sort of proverb for honesty, while greater still in his charming gentleness, was the wise, benevolent, Chief Justice Marshall, who undisguisedly wept over the woes of Jane Shore or laughed with boyish glee until the tears fairly rolled down his cheeks."

The  
Republicans

Gaston had the accomplishments as well as the intellect and learning. On the floor of the House he was, in ordinary business, largely the ruling spirit. One of his memorable achievements was the reform of the laws of descents, his report being admirable, but he was not in line with the Jeffersonians. The Senate passed resolutions strongly sustaining the embargo. In the House, Gaston offered a substitute, patriotic, but of a different tenor. For several days the debate continued. The House stood 79 to 29 against Gaston. In the Senate the vote had been 37 to 15. These figures well indicated the woeful minority of the Federals and the overwhelming attachment of the people to the administration. Still, while patriotic ardor ran high, when replying to the call for troops, Gen. Benjamin Smith having proposed that the State would arm them and furnish artillery, the House declined, contenting itself with declaring that the State's quota would be ready.

1808

Gaston  
Speaker

To succeed the lamented McCay, his brother-in-law, Leonard Henderson, likewise a man of distinguished abilities, was elected, and to replace Stone, Joshua G. Wright, the Speaker of the House, was chosen. A man of very superior excellence in the profession, Wright resigned as a member of the House, thinking that the constitutional separation of the judicial and legislative departments required his resignation. Immediately, the members of the House unanimously

chose Gaston for Speaker. It was a compliment that reflected as much honor on the body as on Gaston. Gaston differed from many other men distinguished for high intelligence, learning and character, as the diamond differs from other gems of great value.

On March 30, 1808, Congress, in view of the aggressions of Great Britain and France, had authorized the President to call for a detachment of 100,000 militia, and Governor Stone informed the Legislature that the Secretary of War had notified him that North Carolina's quota would be 8,071 and steps should be taken to officer and equip that force for service. The quota

The State had quite a number of heavy cannon and General Smith was directed to propose to the War Department to exchange some of these for brass field pieces. Later the War Department declined, saying it had no authority to make the exchange.

### Religious tolerance

In 1808, Jacob Henry was elected to the House from Carteret. He was a Hebrew and did not accept the New Testament. It is possible that he was a member of a distinguished Philadelphia family, Gratz, one of whom, Rebecca Gratz, somewhat later became the original of Rebecca in *Ivanhoe*. During that session he contracted the ill will of another member; and being elected again in 1809, this member objected to his qualifying under the Constitution. Henry addressed the House in his own behalf, his speech being on the general subject of religious tolerance, but he laid stress on the legal proposition that the provision of the Constitution was not applicable to the Representatives; the right of a constituency to choose their representative was not to be abridged. On that he won. This speech was so superior that for several generations parts of it were embodied in books of elocution used in the academies of the country.



Noninter-  
course

The Embargo Act was continued in operation until just as Jefferson was surrendering his office to Madison, when with the sanction of Congress, he substituted for it nonintercourse with Great Britain and France, as these two countries alone were at the bottom of our commercial troubles; and, indeed, presently it was suspended as to Great Britain by Madison, but a few months later was renewed. It was during this period that Macon participated most largely in these important matters. As chairman of the Committee on Foreign Affairs, he held a dominating position. He ever worked to avoid war, but he could not brook the attitude of France and of England.

By the act interdicting intercourse with Great Britain and France passed March 1, 1809, both that act and the Embargo Act were to cease to operate at the end of the next session of Congress. Subjects of such vital interest were left for the newly chosen Representatives to consider.

Macon's  
attitude

Congress was called together in May and sat for a month, but legislation was deferred until the November session. Then Macon demonstrated his statesmanship. His bill excluded both the ships of war and ships of commerce of Great Britain and France from our ports. French and English goods were to be brought into this country only in American vessels loaded at English and French ports. The President was to remove these restrictions as to either country whenever that country repealed its unfriendly regulations regarding our commerce. The bill was short of war and held out the olive branch. It passed the House, but in the Senate it was emasculated. When it came back to the House Macon denounced the Senate amendments as "a total dereliction of national honor, a base submission to the oppressions of the belligerents, a disgraceful abandonment of our policy of resistance." The House stood with Macon; the Senate would not yield. The bill was lost. The House now passed against Macon's vote an act reëstablishing intercourse with both countries, but if

either should repeal its unfriendly regulations, then intercourse with the other was to be interdicted by proclamation of the President.

### Stone's message

When the Assembly met in November, Governor Stone in a message of extreme verbosity and attenuated composition, descanted on almost every phase of state life that could claim the attention of the Assembly. He dwelt on the subject of education, of schools, of improved roads and inland navigation and, in view of the high cost of goods and the low value of farm products, he urged that manufacturing should be fostered by legislation. And since the case brought by Granville's heirs had been determined in the circuit court against the interest of the citizens interested and was on appeal to the Supreme Court where he apprehended that the decision would be confirmed, he suggested that the State should provide a fund to reimburse those who might lose their holdings under the State's title. He called attention to the depreciation of the currency through the over-issue of bank notes and urged some measures of relief. Later he communicated that the line between the State and South Carolina had been fixed, subject to ratification by the respective legislatures. 1809

### The press

While there were annually elections and canvasses with speeches on the hustings, the press, then as since, was the great medium of disseminating information.

Hodge, who had presses at several points, died in August, 1805, and William Boylan, his nephew and partner, continued the business, keeping a large book store in Raleigh, and, well trained by his competent uncle, proving a worthy antagonist of Joseph Gales. Gales, likewise had a book store, as he had had in England, and was a publisher of books. Among his publications were several editions of a 1809



reprint of *Haywood's Manual*, and in 1804 a well-written novel, *Matilda Berkeley*, his wife being the author, giving a view of society and high life in England. Gales had worn well, and had established himself in the respect and confidence of his political friends. In fact he was a leader of the Republicans, but one whom they were slow to follow in his progressive views. There was a divergence between him and Macon as to the functions of government, and the politicians in the Assembly adhered to Macon.

Asserting that every other state had established a state bank, Gales had urged North Carolina to establish one, and eventually was successful. He was an advocate for home manufactures, urging the citizens of Raleigh to build a factory, and he offered prizes for the best cloth made in the State. He advocated the establishment of an insurance company, and strongly favored public improvements. Indeed, he was ever in line with those who were utilizing the instrumentalities of advanced civilization to foster the conveniences of life and to promote the prosperity of the community. His propositions to abolish imprisonment for debt, to establish a penitentiary, and to mitigate the severe penal code found a supporter in Governor Smith, who urged these measures, but without avail.

In 1807, W. W. Seaton, a young Virginian of distinguished connections, purchased Hodge's *North Carolina Journal* at Halifax, and turned it into a Republican paper with the effect of strengthening the Republican party in that section. Two years later he joined at Raleigh Gales, whose daughter he married. In the meantime Gales's son, Joseph, had become a partner in the publication of the *Intelligencer* at Washington City; and in October, 1812, Seaton joined the younger Gales at Washington; and the two Raleigh men, Seaton and Gales, published the *National Intelligencer* that in the decades to come exerted the highest power known to the press in this country.

Seaton  
and  
Gales

National  
Intelligencer

In 1810, Federal papers were printed at Raleigh, Wilmington, New Bern, Edenton, and Fayetteville; and at Raleigh, New Bern and Elizabeth City were Republican papers; while the *Star*, published by Henderson at Raleigh, and the *Journal* at Halifax, were considered neutral. The Federalists had the advantage in the number of publications.

### Macon's bill

In Congress, Macon, being averse to war, hoped to avoid it. He now brought forward a measure that he thought might have a beneficial effect.

July, 1810

Representative McBryde, from the Moore district, wrote July 27, 1810: "We have been engaged for some time in the discussion of a commercial bill reported by a committee of which Mr. Macon was chairman. Its principal objects are to repeal the nonintercourse law, to interdict the vessels of Great Britain and France from our ports and harbors, to confine our vessels to a direct trade, and to prohibit the indirect or circular trade. There are nearly forty Federal members in the House, of whom only five voted for the bill on its second reading. (John Stanly and McBryde were among the number.) It was only carried by a majority of seventeen. The war men are violently opposed to it. They say it is submission. The eastern men (who were opposed to any drastic measures) say that England will retaliate the measure by corresponding restrictions." So the year wore on, with the country in a disturbed condition, and apprehension of war being in the minds of the people. Great Britain and France, holding the states in contempt because of our weakness, were seizing American ships on the high seas; first and last, Great Britain captured over 900, and France over 550. If Jefferson had been lenient towards the French, Madison was equally undemonstrative against the British. But American spirit was not indifferent. Manhood asserted its sway. Still in North Carolina the people followed Macon and

Hoyt:  
Murphey,  
I, 35

Our ships  
taken



continued to stand with the administration. At the election for Congress in 1808 John Stanly, a Federalist, had beaten Blackledge in the New Bern district; but in 1810, Gaston being the Federalist candidate, Blackledge regained his seat by a majority of 500 votes.

### **Smith progressive**

1810

When the Assembly met in November, 1810, Gen. Benjamin Smith was chosen Governor over Stone. At the moment, war seemed inevitable. But Governor Smith centered his thoughts on State affairs and brought forward matters of a remedial character for consideration. He recommended the adoption of a penitentiary system, and appealed for a reform of the too sanguinary code of the State; recommended domestic manufactures, and insisted that too much attention could not be paid to the all-important subject of education. "A certain degree of education should be placed within the reach of every child in the State. . . . I am persuaded," he said, "that a plan may be formed upon economical principles which will extend this boon to the poor of every neighborhood, and at an expense trifling beyond expectation when compared with the incalculable benefits from such a philanthropic system"; and he continued to urge the establishment of public schools, from public considerations. But as yet the Legislature was not ready to break away from the past, and public education was a novelty.

Biog. Hist.,  
II, 404

### **At Washington**

Naturally all eyes were turned on Washington, where the great issues were to be decided. Difficult indeed was the situation; with England and France disregarding our rights; treating our country contemptuously, considering us too weak to repel insults; and our counsels divided, a war party and peace men not agreeing on measures.

In January, 1811, McBryde wrote: "The great point to which our attention is turned at present is the bank and a nonimportation bill. This measure (the refusal to re-charter the bank) will be attended by alarming consequences. You can have no idea of the consternation that prevails in all the large towns. It is confidently affirmed that it will withdraw more than twenty millions of circulating paper, for some time at least, and that it will, of course, bankrupt thousands."

As to the nonimportation proposition, he said: "If this law passes our produce must sink to nothing. There will be no money to buy, and no man can tell who to trust. . . . The northern merchants will press immediately for their debts. In short, I look for nothing but confusion and distress."

On the bank question Alston, McBryde, Pearson, Stanford and Stanly stood for rechartering. But in the House it failed by a single vote, and in the Senate a similar bill failed only by the casting vote of the Vice-President. Dodd, 269

At the next session the Assembly reëlected its former speaker; but William Hawkins, the Speaker of the House, was chosen Governor, and to take his place, the House followed the fine example set in 1809. It elected Speaker one of the minority, John Steele, the representative of the borough of Salisbury. Steele was worthy of the honor. 1811

Governor Hawkins was nearly twenty years the junior of General Smith, whom he succeeded, being just thirty-four when elected Governor; but he had much practical experience in affairs. Of him, it has been said, "He was brave when bravery was needed, but the 'small, sweet courtesies of life' shone brightly in his daily intercourse." Hawkins  
Governor

As the measures in Congress involved the weal or woe of the country, party spirit was running high. The drift of opinion was for war. Henry Clay of Kentucky had served a session in the Senate of 1806; and again in 1810, and was now a Representative. He was of the war party, Clay for  
war



and was urgent for war with Great Britain. As such he was elected Speaker of the House when it met in November, 1811. The current ran against Madison, who was being overborne in his peace policy. The Federalists had always favored England rather than France, and they were very reluctant to break with Great Britain. Their sentiment found expression in the *Carolina Federal Republican* that had been established at New Bern in 1809. It was argued that war with Great Britain might result in the bombardment of every town on the seacoast. "But, even if in mercy, she should not bombard our towns but content herself with sweeping every American sail from the ocean and blockading all our ports, this would bring on a scene of disaster hardly to be described."

Car. Fed.  
Rep., Jan.  
11, 1812

Nor were the Republican congressmen from the State a unit in supporting the administration. But at this session a new member, young and virile, appeared in the delegation to strengthen the war party, William R. King of Sampson. His father was a patriot of the Revolution, a gentleman of fortune and character. Educated at the University, trained as a lawyer by the eminent William Duffy of Fayetteville, and associated with the thoughtful men of the Cape Fear, he threw his weight on the side of resisting British aggression. It was badly needed, for the North Carolina delegation was no longer Republican. Blackledge, Macon, Meshack Franklin, the sterling brother of Senator Franklin, stood almost alone when King raised his voice for war. Richard Stanford of Person, who had followed Randolph in his vagaries, made a strong speech against war, and King hotly replied: "Sir, the demon of avarice which benumbs every warm emotion of the soul, has not yet gained the ascendancy in the South. . . . Sir, I will not yield an inch of ground when, by so doing, I destroy an essential right of my country, or sap the foundations of that independence cemented by the blood of our fathers. We were told by a gentleman from Virginia (Randolph) a few days

W. R. King

since that we have sufficient cause for war. I ask you then, why do we hesitate? Shall we always yield? The adoption of this resolution is the touchstone, by it we rise or fall." He concluded by denouncing the policy of his colleagues, "who still advocated compromise and peace." This was the beginning of a career that gave King a high place among the most distinguished public men contributed by North Carolina to our country.

Dodd: Life  
of Macon,  
p. 276

The increasing opposition to the administration measures made the leaders in the Assembly apprehensive lest Madison might lose some votes in the electoral college, and to avert that the act of 1802, providing for the election of electors by districts, was repealed, and the following Legislature was authorized to choose the electors.

This action was roundly denounced by the Federalists. "A sacred privilege has been forcibly torn from the people by the arbitrary will of a desperate majority. . . . Thirteen years ago such an assumption of power would have produced rebellion and bloodshed." At the spring term of the courts some of the grand jurors made presentment of the act as a grievance. Iredell County began it, and requested the court to order their presentment published; and the court so ordered. Then Cumberland, Richmond, Rowan, Pitt, Franklin, Greene, Caswell and Montgomery followed suit. And Johnston, also; but Judge Lowrie declined to order the publication. Feeling ran high in the State.

The grand  
juries

As the embargo and nonintercourse acts did not apply to domestic commerce, so the trade of our ports with those to the north was not affected. At Wilmington, which was the shipping point for produce brought from the interior to Fayetteville, it was continued as usual. And so, at New Bern and the other sound ports; and about two-thirds of our commerce went through Ocracoke. On January 11, 1812, the *Federal Republican* mentions as entering New Bern—one vessel from New York, one from Charleston, and two from Beaufort, and as clearing, four for New York, one for

Commerce



Charleston, one for Bermuda, and one for Antigua. And so it continued.

In that period, however, to supply salt, works were established here and there along the coast. Those on the sound near Wilmington proved highly remunerative; and notwithstanding some cessation after the war, the product in 1815 was more than thirty thousand bushels.

At  
New Bern

The trade of New Bern was very important, only exceeded by that of Wilmington, which included the imports destined for the back country through Fayetteville. In the spring of 1812 corn was selling at New Bern at 40 to 45 cents; cotton at 10 to 12 cents; flour \$7.00 a barrel; bacon 10 cents and tobacco 3 cents. And at that time there were offered for sale for cash or barter for corn, 54 bags of coffee at 16 cents, 18 barrels of Muscavado sugar at 12 cents; 10 barrels loaf sugar at 21 cents; 20 boxes chocolate 22 to 30 cents; 10 hogsheads molasses at 58 cents a gallon and 2 pipes of cognac brandy at \$3.00 a gallon. They also had at New Bern a living elephant and a beautiful African leopard; and a piano was offered for sale. Often half a dozen vessels arrived during the day, and an equal number cleared; chiefly the trade was with New York.

### Preparation

1812

In February, 1812, in preparation for war, a regiment was to be raised in the State, and William Polk, a veteran of the Revolution and resident of Raleigh, was appointed colonel of the regiment; James Welborn of Wilkes, lieutenant-colonel; A. F. McNeil of Wilmington, second lieutenant-colonel; Benjamin White of Craven, first major, and Thomas Taylor of Granville, second major.

Physical  
phenomena

The year 1812 opened with ominous signs of war. Often had physical phenomena been associated with great human events. Three suns seen in the heavens preceded the final outbreak that was closed by Charles the First losing his head; and three suns were observed one afternoon in North

Carolina just before President Lincoln called for troops in April, 1861.

There was a very severe earthquake on the morning of December 23, especially violent towards Charleston; then on February 7, 1812, at four in the morning New Bern was greatly disturbed by a violent rocking for two minutes; and again at eleven that night there was another of nearly equal force; and two weeks later Mecklenburg County was visited by a disturbance of great violence.

And it was in January, 1812, that a veracious newspaper writer endowed with a fine imagination described with great particularity, "great smoke issuing from Spears Mountain, great noise; a volcano had burst forth on the French Broad; still continues to burn with great violence, throwing out lava, etc., with most tremendous noise in Buncombe," of which President Jefferson made a historic note not complimentary to North Carolina.

In Congress the question of war was the great issue. Speaker Clay was insistent, Madison yielded, and on June 1, he sent to Congress a message for war with Great Britain. Pennsylvania, a manufacturing state, and the agricultural states of the South gave 62 votes for the declaration and 32 against it. The mercantile states at the North gave 17 for the war, and 32 against it. The sentiment of the sections was evident; New England was opposed, and not all of the Southern Republicans were in favor of the measure. The declaration was made by the President on June 19.

The  
declaration  
of war

Six months after Hawkins became Governor, on the 23d of June, an express messenger brought him the information of the declaration, and his service as Governor covered the entire period of the war. After the declaration a new issue was brought into discussion in the State. Before that there had been apprehensions: now war had come. Not merely were there the normal differences between the Federals and Republicans, the outs and the ins, the war men and the peace men, those who favored England and those

June  
1812



The Anti-  
Electoral

still in rebellion against the old mother country; but there was another potent political war cry. The Republicans to secure the election of Madison had taken from the people their right to vote. The people were disfranchised. By the act of December, 1811, the presidential electors were to be chosen by the Assembly. Gaston petitioned the Governor to convene the Assembly in special session to undo this arbitrary evil, but it was too late. The presentments made by the grand jurors only voiced the indignation that inflamed the popular heart. At the election in August James Mebane, the Senator from Orange who had introduced the measure, was opposed by Archibald D. Murphey, who now entered on a political career. Murphey was a Republican, and still proposed to stand by Madison; but he was a leader in the Republican opposition to this measure, and he had many in coöperation. Most of those who had supported the measure in the Assembly were now opposed by "Anti-Electoral" Republicans aided by the Federals, and fell by the wayside. The result was disastrous to them. Many were retired, Mebane was defeated two to one. Sixty Federals were elected, among them Gaston, Steele, Stanly, and other old-time leaders; but the Republicans still held the Assembly.

DeWitt  
Clinton

When the Assembly met Hawkins was reëlected Governor. General Riddick, who had long been Speaker of the Senate, had died during the year. He was replaced by George Outlaw of Bertie, a gentleman of "great serenity and address," so endowed as to be ever popular, and he was highly esteemed as the Moderator of the Chowan Baptist Association; while in the House, William Miller of Warren was chosen to preside. George Clinton of New York was the Vice-President elected four years earlier with Madison; DeWitt Clinton of New York had deserted Madison and was taken up by the Federals as their candidate for President. In the Legislature the vote for Madi-

son electors was 130; for DeWitt Clinton only 60; the Republicans had more than two to one.

The Assembly, responsive to the popular demand, however, by a large majority in both branches passed a resolution to lay off the State into fifteen districts, and likewise proposed to Congress an amendment to the Constitution to establish a uniform mode of choosing electors by districts, and on February 15, 1813, that resolution was being discussed by the United States Senate; but the better opinion of that generation seems to have been that the organic law should not unnecessarily be altered. The Constitution was not to be lightly changed.

1813

The  
aftermath

David Stone, as a war man, was chosen Senator to succeed Jesse Franklin, who had defeated him six years earlier, although Stone later declared that he had not desired the position.

Biog. Hist.,  
IV, 426

A stay law was passed forbidding the issue of executions until 1814 in cases where security was given; and it was a busy session, there being 129 acts passed.

Steamboats were now in use at the North. Stevens & Co., Stevens having been a former partner of Fulton, were engaged in building them and trying to obtain the exclusive right to use them on available waters. They applied at this session of the Assembly for the exclusive privilege of using them in North Carolina. Their application was granted for twenty years, "provided they would put on one every two years." That in twenty years would have required ten boats, and the condition was not attractive, so it does not appear that it was accepted.

Steamboats

1812

### The tragedy of Mrs. Alston

While the Assembly was in session there occurred a horrible murder on our coast. In December, 1812, Aaron Burr sent a pilot boat, the *Patriot*, from New York to Charleston to bring his daughter, Theodosia, wife of Gov-



ernor Alston of South Carolina (grandson of Gen. John Ashe) to New York.

Timothy Green, an intimate friend of Governor Alston's family, sailed in the pilot boat for the purpose of accompanying Mrs. Alston on her voyage. From the time they sailed from Charleston December 30, no tidings whatever was heard of the vessel or of any one on board. Seven years passed before the mystery was cleared up. In the *Raleigh Register*, June 30, 1820, was this announcement: "A gentleman recently from New Orleans has communicated to a friend of the family of the late Mr. Greene that two of the pirates lately sentenced to suffer death at New Orleans confessed that they composed part of the crew of the above pilot boat, *Patriot*; that after being at sea two or three days, and near the shore, they rose upon the captain and passengers, and confined them below—when they stood close in shore, and after plundering the passengers of a considerable sum of money and plate, belonging mostly to Mrs. Alston, they launched the boat and scuttled the vessel, which soon filled and went down, with the unfortunate inmates confined below. This dreadful tragedy was performed in the dead of night. The wretches succeeded in reaching the shore with the boat, and had thus far escaped detection and punishment for this horrible crime."

In 1820, and earlier and later, there were many trials for piracy at New Orleans. Pirates infested the Gulf of Mexico. These men mentioned above were taken as pirates for deeds then recently committed and, after conviction, told of the murder of Mrs. Alston. Of her death they perhaps would never have known had they not had personal knowledge. Before that she was supposed to have perished in some other way. The story bears the earmarks of truth.

Fifty years later, in 1869, Dr. William G. Pool attended a sick woman at Kitty Hawk on the banks near Nags Head, and in compensation for his services she gave him a painting then hanging in her room. It was the picture of

a lady on polished mahogany, twelve inches in length and enclosed in a frame richly gilded. With reluctance she said that many years before a vessel with sails set had been wrecked on the beach, no person being aboard, and that some one who found this picture in the cabin had preserved it. A photograph of this picture was submitted to Mrs. Wheeler, the wife of Col. John H. Wheeler, the historian, who on comparing it with a miniature of Theodosia Burr, found them so similar that she, a daughter of Sully, and herself an artist, recognized it as a portrait of Mrs. Alston.

Pool, Lit. on  
Albemarle,  
66



## CHAPTER XV

### THE WAR OPENS

The militia.—Military conditions.—The Stanly-Henry duel.—The British fleet arrives in Chesapeake.—The Snap Dragon.—The first prize.—Judge Harris dies.—Federal leaders.—Gaston's position.—The Federalists gain.—Macon inconsistent.—Davie declines to serve.—Beaufort blockaded.—New Bern alarmed.—The British at Ocracoke.—Preparations for defense.—The militia.—At Raleigh.—The ladies active.—General Jones.—Governor Hawkins—Great activity.—Munitions supplied—Beaufort garrisoned, Wilmington and all the country stirred.—The fleet sails away.—The enterprise of the people.—The Clarendon Steamboat Company.—Stages to Portsmouth.—Lincoln's cotton mill and iron manufactures.—Gaston's speech.—Conditions.—The Frolic and the Wasp.—Coast defenses.—The Snap Dragon.—Blakely.—The Wasp.—Reverses on land.—The Federals exult.—Chippewa.—Lundy's Lane.—Benjamin Forsyth.—The State adopts his son and Ulna Blakely.—Fort Mimms.—General Graham.—North Carolina troops at Norfolk.—The British fleet.—Stone's retirement.—Miller Governor, Cameron Judge, and Locke elected Senator.

#### **The militia**

1813      For military purposes each county was divided into militia districts, every district having its own militia company, which with the others formed the county regiment. The regiments of several adjoining counties formed a brigade. The Legislature elected the generals and field officers and the organization, supervised by the Adjutant-General, was carefully kept up. Besides there were in many counties organized and disciplined military companies, generally cavalry, ready for active service on emergency. The militia companies and regiments were required by law to meet and muster every year. The militia districts were the only units of county organization. So when the committees of safety were to be chosen on the outbreak of the Revolution, they were elected by military districts. On muster days all persons liable to military service had to meet, be enrolled and muster. General Davie wrote a volume on military tactics, which was adopted and in use and doubt-

less at the musters there was drilling, so that the militia had some slight acquaintance with military discipline and commands. The militia therefore was in some measure an organized military force. It is to be mentioned that the free negroes were required to attend musters until relieved of that duty. On different occasions because of threatened negro insurrections, the militia of several counties were called out. When the tocsin of war sounded in 1812 the militia regiments of several counties were embodied and saw active service.

### Conditions for defense

After the war fever of 1798 had subsided but little had been done to improve the fortifications on the coast, but when the irritation with France and England became pronounced the militia was organized; and General Smith, who had a large number of negroes, entered in 1805 into a contract with the government to erect a *sepia* stone casemate fort on the site of the old Fort Johnston, under the direction of army engineers. The fort in 1805 was under the command of Lieut. John Fergus of Bladen County, and in that year Capt. Joseph Gardner Swift, the first graduate of West Point, was sent to have the fortifications completed. Other points also had received some attention; the militia had been organized by Adjut. Gen. Edward Pasteur of New Bern; and on his resignation in June, 1808, Calvin Jones of Wake County became Adjutant General and addressed himself to his duties with zeal and energy, and he continued this acceptable service until the war opened in 1812. In December of that year he was commissioned Major-General, having under him the 5th and 17th brigades, covering eight counties assigned to the Edgecombe and Wake brigades. Now, although North Carolina was not then invaded, there was a call for volunteers. There were 51,000 militia men on the roll, but only 7,000 were asked for, the President to supply them with arms. Volunteers

December  
1812



were being organized into detachments to respond to orders, and volunteer companies were forming in every county. In the meantime Fort Johnston had been garrisoned by a company of the First Regiment of U. S. Artillery.

### Henry duel

About the middle of February, 1813, New Bern was in the shadow of grief cast over the community by the tragical ending of an unimportant incident. Thomas Stanly and Lewis Henry had been classmates at college, long friends and intimates, and now law students at New Bern. At a supper given by Gaston, Stanly playfully tossed a morsel of cake across the table which, falling in Henry's cup of tea, splashed his vest. A lady at Henry's side made a remark that aggravated the incident. An insult was suggested; a hasty reply given and a challenge followed. Young Stanly consulted his elder brother, Hon. John Stanly, who advised the meeting. The meeting took place on Sunday, February 14, within the border of Virginia. At the first discharge, Stanly was instantly killed. He was in his 23d year and was just about to apply for admission to the bar. Certainly the affair should be attributed to John Stanly who himself had killed Spaight. After Stanly had fallen every measure was taken which humanity or friendship could dictate. Up to the day of his death, this tragedy was ever a blight on Henry's peace of mind. While New Bern was agitated over this lamentable affair came the disquieting news that the apprehensions of the Federalist leaders were not without foundation. A British fleet entered the capes and anchored in Lynnhaven Bay. There were about a dozen ships of war. The cruisers had taken quite a fleet of merchantmen in Chesapeake Bay, and among them several New Bern vessels bound to New York.

Biog. Hist.,  
II, 165

The British  
arrive

But New Bern was not without reprisals.

**Snap Dragon**

The merchants of New Bern, always as enterprising as they were patriotic, had in the Revolution successfully preyed on British commerce, much to their advantage. Now, no sooner had war been declared than Otway Burns, a native of Beaufort and captain of a merchantman plying between New Bern and Portland, Maine, arranged through a joint stock company for the purchase of a larger and swifter vessel, which he fully equipped as a privateer and took out letters and began operations. He sailed down into the Spanish Main, and took several small prizes and towards the end of February, 1813, while the British fleet was at Lynnhaven Bay, there entered New Bern the sloop *Fillis*—Miller prize-master, a prize to the privateer schooner *Snap Dragon*, taken the 18th of January in the Caribbean Sea. The *Snap Dragon* was bound to Carthagena to victual for another cruise, "all well and good spirits aboard." And then on April 10, 1813, the *Snap Dragon* itself came to New Bern, Edward Pasteur being the master.

February  
1813

1813

Fed. Rep.,  
Feb. 27,  
1813

On Monday, March 29, Judge Edward Harris of New Bern died in the court at Lumberton. In 1801 he had served for one month as the circuit judge of the United States, then in 1811 on the death of the lamented Joshua G. Wright, judge of the Superior Court, he had been appointed to that vacancy. "It seems that he left home under the impression that he would not survive the circuit, and a complete suit of burial clothes was found in his trunk." At that period the judges and attorneys, for the want of other conveyances, traveled in their own gigs, that being before the introduction of buggies.

Death of  
Judge  
HarrisHoyt:  
Murphey,  
I, 68

Notwithstanding the declaration of war and the call of the country to arms, the Federalist leaders were active against the administration. Congress was to convene early in May and Governor Hawkins issued a proclamation ordering the election of Representatives to be held on the 30th of April

Congressional  
election



Gaston's  
victory

instead of waiting until August. Gaston's position may be taken as that of all the Federalist candidates. "Convinced that we had well-founded causes of complaint against each of the great belligerents of Europe, I nevertheless could not but view the selection of Great Britain for our enemy, while the relations of friendship were courted with France, as an act of extravagance and rashness, astonishing and unaccountable. It is forbidden by our interests. From the honor and fair character of the nation, nothing could be more abhorrent. If the declaration of war is to be lamented, there is little consolation to be found in the manner of its prosecution. I avow myself the earnest and anxious friend of peace. The difference between the United States and our enemy is now understood to be confined to a single point, the right of search for British seamen. I will not as a man and, as a Christian, I dare not, yield my consent to shed blood or waste the treasure of my countrymen upon an abstract question of doubtful right. At whatever risque or cost, I am prepared to protect my country and every section of it from attack, but I am not disposed to aid in schemes of foreign conquests," etc. At the election, Blackledge who, however, did not canvass, received only 943 votes, while Gaston received 2,763, nearly five hundred more than two years before, when he was beaten by five hundred. In the Fayetteville district Rev. John Culpepper, a Baptist minister, was elected over J. A. Cameron, both Federals, while D. M. McFarland received the smallest vote. Stanford, who had been a Republican, defeated Mebane, who had introduced the bill taking from the people their right to vote for electors, Stanford being against the war and the war measures. William Kennedy, Federalist of Tarboro, was elected by a very small majority. On the whole, the Republicans held their own fairly well, but Mr. Macon now began what appears to be an inconsistent course, not supporting the war measures himself, and setting an example that some of his friends followed.

In March, 1813, the President appointed to be major generals in the United States army, W. R. Davie and Wade Hampton, and these appointments were immediately confirmed by the Senate; but Davie did not accept and remained at his home on the Catawba.

Davie  
declines

### Hostilities

During Jefferson's administration the construction of a large number of small gunboats had been authorized and there were several of these at Wilmington out of commission; at New Bern there was at least one, named "No. 150." Early in May a rumor came from Beaufort that Beaufort was blockaded by two British schooners, and May 21 the specie in the vaults of the New Bern branch of the Bank of the State was removed in two wagons to Raleigh. "Since the blockade of the Chesapeake," said the *Federal Republican*, "several vessels whose destination was the bay, have come into Ocracoke or Beaufort, and have dispatched their cargoes to Norfolk through the canal. . . . Beaufort has a reasonable protection from its fort; Ocracoke has only its shoal water, the revenue cutter and the militia. On May 21 a schooner arrived off Ocracoke and was intent on surprising the cutter, but failed. . . . On June 1 the British armed schooner *High-flyer* was seen off the bar of Beaufort, and Captain Burns sailed immediately with the *Snap Dragon* 'and a noble crew' for Beaufort. Should the *Snap Dragon* be so fortunate as to fall in with *High-flyer*, we have no doubt of her success."

At  
New Bern

The proximity of the British fleet and the possibility of attack had now been for four months in the minds of the people on the seacoast. They had become accustomed to the situation; when suddenly unheralded, at daybreak on the 12th of July a fleet of nine ships, among them two brigs and two schooners, anchored off Ocracoke bar, and nineteen barges each carrying an 18 pounder carronade and forty

July  
1813



Alarm at  
New Bern

men came inside the bar. In the channel lay in fancied security the privateers *Anaconda* and the *Atlas*, and the revenue cutter, not so well armed. The barges at once attacked the two armed vessels, and after a spirited resistance took them, but the greater part of the crews escaped to the shore. The revenue cutter made sail. It was the expectation of the British admiral to seize all the vessels and proceed at once to capture New Bern; but although the two brigs and two schooners came inside and pursuit was made, the cutter was successful in making her escape, and reached New Bern. There the inhabitants realized the peril. There were bustling preparations for battle, and the flight of the women and children ensued. A committee of safety was appointed to aid the militia officers in preparing for defense. Heavy cannon were mounted and breastworks were erected at different points in the town, and ammunition was collected from the county, and from Washington and Beaufort. The militia from the adjoining counties flocked in in great numbers. In a few hours 2,000 men were collecting.

Altogether the British had some thirty barges, and it was reported that they had landed a thousand men at Portsmouth and Ocracoke. They collected hundreds of cattle and sheep which they sent off to the Chesapeake. But foiled in their hope of surprising New Bern, they made no further invasion.

At Raleigh

On the 16th, four days after the British landing, the news reached Raleigh. On Sunday, the 18th, Gen. Calvin Jones with his aides and Captain Clark's Company of Raleigh Guards, took the road for New Bern. The ladies of Raleigh were helpful in preparing them for the hasty march, in a few hours making for them 100 knapsacks. The next morning, Governor Hawkins, along with Gen. Robert Williams and Major Thomas Henderson, also hurried on, accompanied by Captain Hawkins's troop of cavalry. The Governor had lost no time in making requisitions from the eastern counties for troops, and on Wednesday Colonel

Roper and Maj. Daniel L. Barringer led a hundred men from Wake County to the front. The response to the call to arms was quick. Detachments were now hurrying from the interior to the sea coast, great activity pervaded the country. The supply of munitions was limited. All the powder and lead that could be found at Raleigh, Hillsboro and Fayetteville and other places were collected. There were some arms at Wilmington, and a part of these were sent to New Bern. While the Governor had the purpose to be in the front line of battle himself, he conferred the command of the sea coast on Gen. Calvin Jones. General Jones reached New Bern in two days and, fearing lest Beaufort might be attacked, he sent a large detachment to garrison the fortifications there, consisting of Fort Hampton, Fort Gaston and Fort Pigott.

While these preparations were made at New Bern, other detachments had hurried to Wilmington. There similar efforts were in progress to withstand the invader. Indeed, a gale of patriotic ardor swept throughout the whole State, and the people in unison were responding to their country's call; but unknown to them, the danger had faded away. After five days passed harmlessly at Ocracoke, the hostile fleet bore away to the southward, and except for a flag of truce sent back to Ocracoke with a notice that the entire coast was declared in blockade, the doughty Admiral Cockburn troubled the State no more. However, a period of uncertainty intervened, and for a month Governor Hawkins was visiting the fortifications along the coast, and General Jones was watching with vigilance for the return of the enemy.

The State  
aroused

### **Enterprise of the people**

But the alarms of war did not stifle the enterprise of the people. On June 6, 1813, the Clarendon Steamboat Company was formed for the Cape Fear River. In a few

June  
1813



Steamboat

hours \$12,000 was subscribed at Wilmington and \$10,000 at Fayetteville; and farther northward a line of stages was put on from Elizabeth City to Portsmouth, Va., yet the Public Safety Committee at Wilmington presented a memorial to the Governor urging preparations for defense, and the Governor appointed John H. Bryan Quartermaster-General and Gabriel Holmes, Inspector-General of the detached militia of the State.

### The first cotton mill

Iron mills

Biog. Hist.,  
IV, 310-311

Lincoln County has the distinction of starting up the first cotton mill that was successful south of the Potomac and it also was early in iron manufacture. John Fulenwider, an educated engineer of Wales, having located in Lincoln County, began there the development of the iron industry, erecting furnaces and rolling mills and operating the first nail machine ever used in America. During the war of 1812-14 he supplied cannon balls for the use of the army. In the same vicinity John Hoke, associated with a neighbor, Michael Schenck, erected in 1813 the first cotton mill and operated it successfully, and it was continued by their families until the War Between the States. Among the descendants of John Hoke were Michael Hoke, General Hoke and Chief Justice Hoke.

1813

Gaston's  
attitude

While perils were threatening New Bern, Hannah Gaston, the wife of William Gaston, died on July 13, leaving several infant children, but Gaston was at his post at Washington. Speaking on Webster's resolution on July 19, he said: "It will not be deemed egotism, I trust, to add that baptised an American in the blood of a murdered father; bound to my native land by every moral and natural tie that can fasten on the heart of man; with not one motive of interest, of passion, or prejudice to seduce the loyalty of my affections; never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided."





1



2



3

1. The Fries Cotton Mill at Salem
2. Michael Schenck-Hoke Cotton Mill at Lincolnton, 1813
3. Spinning Wheel and Loom





The year 1814 opened with the war still flagrant. The British fleet had possession of the Chesapeake Bay and threatened every point on the coast. Still the situation did not interrupt the accustomed life of the people. In February the stay law expired, and no hardships seemed to result. The academies that dotted nearly every county in the State were not closed. An orphan asylum had been organized at Fayetteville and the North Carolina Bible Society formed. In Lenoir County a military and literary society had been incorporated, and Thespian associations organized at Salisbury, Raleigh, and Fayetteville, and at Wilmington the Thalian Society that continued its existence many years. But the war had its incidents. In October, 1812, just off the coast of North Carolina an engagement took place between the British ship *Frolic* and the American sloop *Wasp*. The battle was so fierce that when the American captors boarded the *Frolic* to haul down the British flag, they found no one on deck but the helmsman; the survivors had retired below. Preparations were made along the coast for defense. At Wilmington a committee of safety of which Robert Cochran was president, with the concurrence of the military authorities and Governor Hawkins, purchased Clark's Island, four miles below the town, taking title to the Governor of the State, and erecting fortifications on it at a cost of over two thousand dollars. After the war the Legislature directed the Governor to convey the title to Cochran in trust to repay the persons who originally furnished the funds expended. On the land, generally, the military operations had been unfortunate and inglorious, but notwithstanding Mr. Macon's aversion to naval operations, on the sea it was otherwise. The flag was often borne to glorious victory. In these glories North Carolina had her share.

1814

Social  
conditionsThe Wasp  
takes the  
Frolic



**On the sea**

The Snap  
Dragon

Otway Burns made application for letters of marque dated July 1, 1813, specifying that the *Snap Dragon* was 147 tons, carried a crew of 75 men, 5 carriage guns and 50 muskets. In a subsequent voyage he carried 127 men. She ranged from Newfoundland to South America. During the first seven months of 1814 she captured 2 barks, 5 brigs, and 3 schooners, the cargoes being valued at one million dollars; and she took 250 prisoners. But at length Captain Burns being laid up, the commission was given to Lieutenant DeWhaley, who in an encounter with the British man of war *Leopard* was with many of the crew slain and the vessel surrendered. The *Snap Dragon* was conveyed to England and the crew confined in Dartmoor prison.

Johnson  
Blakely

Another naval officer of great renown was Capt. Johnson Blakely. Born in Ireland, his father had brought him to Wilmington while a boy. His parents having died, and he having inherited some means, he was brought into court to select a guardian. He selected his father's friend, Col. Edward Jones, himself an Irishman, the distinguished Attorney-General of the State. Colonel Jones had him well educated at Flatbush, Long Island, and at the University, and in 1800 secured his appointment in the naval service. He served in an expedition against the Barbary States and became an officer of recognized merit. Commanding the *Wasp* in June, 1814, he appeared off the coast of England and in a fierce engagement captured the British sloop of war *Reindeer*. Burning his prize, in August he fell in with the ship *Avon*, which he captured, but he was driven off by the near approach of several other men of war. He then, in two weeks, took fifteen British vessels. On one of these prizes, he placed a crew and sent dispatches home, which came safely, but that was the last known of the *Wasp*. The gallant Blakely and his crew perished at sea. In November the private armed schooner *Saratoga* arrived at

June, 1814

Wilmington from a cruise in the British Channel, and brought papers with accounts of the battle between the *Wasp* and *Avon*. The London papers made great complaints of the injury suffered from American privateers, "which are so audacious as to take British vessels and property at their very doors."

### Failures on land

The campaign at the northwest had never been satisfactorily conducted. General after general in that region had ignominiously failed. It was during that period of despondency that Archibald Murphey wrote: "I pray God to give us peace, and save us from further disgrace. We shall get out of the war loaded with debt and taxes, defeat and disgrace." And some of the people became dispirited. The war spirit gave place to peace sentiment. Opposition to the administration strongly developed. Indeed, the Federals in North Carolina were exulting in their hopes and eagerly dispatched the news northward. Yancey at Washington wrote to Ruffin: "The Federals here are in fine spirits from the information they have received from their friends in our State. They expect the whole State with the exception of one or two members will be Federal." At length, however, in General Brown a more fortunate campaigner was found. Early in July, 1814, he brought on the battle of Chippewa, routing the British, and, after other advantageous movements, the battle of Lundy's Lane, within half a mile of Niagara Falls. Few encounters have ever been more sanguinary. Both sides retired from the field satisfied with the slaughter, but the tide was turned. Brig. Gen. Winfield Scott was the hero of the campaign. General Swift, in his *History of New York*, however, awards the credit of that campaign to Capt. William McRee of the Engineers, who, it was said, planned the details. Captain McRee was of the Bladen and New Hanover family, distinguished in several generations for intellectuality and manhood as for high personal character.

July, 1814

McRee



Another North Carolina army officer won fame, Benjamin Forsyth of Stokes County. In 1809, having received a commission as captain in the army, he was assigned to the command of a company in the Rifle Regiment and was serving at the north in 1812. In September, 1812, he embarked with 100 men at Cape Vincent on the *St. Lawrence* and fell down the river to Leeds, and destroyed the British storehouse there and successfully returned, bringing a large supply of captured military stores. In the following February, with two hundred men in ships, he left Ogdensburg and proceeded up the river and, crossing over to Elizabethtown, took 52 prisoners and a considerable quantity of munitions, without the loss of a man. After various other encounters he was commissioned Lieutenant Colonel, but unhappily fell in a skirmish near Odeltown. A plan had been devised to draw the British into an ambushade. Forsyth was directed to attack and retreat, and thus draw the enemy on, but in the encounter he fell, the only man in his command who was killed. "He was a terror to the enemy, and among the best partisan officers who ever lived." He left a son and four daughters. The Legislature directed that the son, James N. Forsyth, should be educated at the expense of the State and be presented with a sword. Later he became a midshipman, and unhappily he perished at sea in the wreck of the *Hornet* in 1829 before he was twenty-one years of age. The county of Forsyth was in 1849 named in honor of Col. Benjamin Forsyth. And similarly, the Legislature which had during his life directed a sword to be presented to Blakely, now made another provision; the gallant seaman had left only one child, a daughter, Ulna; she too was adopted by the State; an appropriation was made for her education, and, in lieu of the sword, a set of silver plate was presented to her. She went with her mother to St. Croix in the West Indies, where she married; but soon after died.

Niles  
Reporter,  
July 16,  
1814

Biog. Hist.,  
VII, 102

Ulna  
Blakely

### The Indians

The Indians had been stirred up by a fanatical prophet, Tecumseh, who was killed in the great battle of Chipewewa; and the Cherokees and Creeks in Alabama and Georgia now began hostilities, and the settlers, many from North Carolina, took refuge in Fort Mimms, on the Chattahoochee River. The Indians having succeeded in taking this fort, where there were 553 whites, massacred them, only five or six escaping. This aroused the whole southern country to action while the whites virtually abandoned Alabama. The militia of Tennessee and Georgia and Louisiana and Mississippi hurried forward. Andrew Jackson, a general of militia in Tennessee, hastened to the scene and a thousand North Carolinians from the western counties, under Gen. Joseph Graham, rushed to his assistance. Jackson, however, had defeated the Indians in a great battle at Horse Shoe Bend before Graham reached him, but Graham's North Carolinians assisted in capturing those who were still in arms. Jackson was quickly appointed Major General in the army of the United States and given command at the South. It was the beginning of his phenomenal career.

Fort Mimms

Graham's  
armyAndrew  
Jackson

### The Albemarle militia goes to Norfolk

Norfolk being again threatened in the fall of 1814, the President made a requisition on North Carolina for a detachment of militia to be mustered into the service of the United States and to hold Norfolk. Some fifteen hundred of the militia were concentrated at Gates Courthouse. They were from the Albemarle district, including the counties of Halifax, Warren and Nash. Gen. Calvin Jones was the quartermaster. The detachment assembled at Gates Courthouse towards the end of September and, under the command of Gen. Jeremiah Slade and unarmed, marched in detachments to Norfolk, where they were mustered into the service of the United States. There they remained for

1813

Winborne:  
county of  
Hertford



weeks, ready and waiting for the enemy. They were spectators of the battle of Craney Island, where the British fleet was driven back. They were not entirely disbanded until the treaty of peace.

### **The second regiment**

In addition to the first regiment that marched from Gates Courthouse to Norfolk, a second regiment was organized at Hillsboro, November 28, 1814, composed of companies from Chatham, Person, Caswell, Rockingham, Guilford, Randolph, Stokes, Surry and Wilkes, of which Col. Richard Atkinson of Person was the lieutenant-colonel commanding, and James Campbell was first major. This new regiment reached Norfolk on December 27. The troops were provided with thin tents and it was some weeks before they were housed, and they suffered from the irregularity with which they were supplied with wood and other necessities. These troops fell victims to disease. "At the Peach Orchard where the first regiment was stationed, there were 61 deaths by December 7, but in the second regiment while 276 were on the sick list, only 8 had so far died." The second regiment was at camp about a mile out of the city. Captain Young's company was stationed at Craney Island.

Ruffin,  
I, 154

After the capture of Washington City and the repulse of the British at Baltimore, the British admiral apparently proposed the capture of Norfolk, but when he was ready, he found the Americans also ready. He entered Elizabeth River, opened a bombardment on Craney Island, but being repulsed, sailed away.

The North Carolina troops soon afterwards returned to the State. While the troops suffered from the dreadful sickness which carried off so many of the First Regiment, they lost none in battle.

Allen: Hist.  
of Halifax,  
71

Andrew  
Joyner

### Stone's retirement

Now occurred the tragic ending of a career that had been exceptionally brilliant. Perhaps no other native had been so favored by fortune as David Stone. In December, 1812, he had been elected the second time as United States Senator and necessarily he was expected to support the war measures of the administration, a course, however, he declined to follow. He seems to have fallen under the influence of Massachusetts's disloyal leadership, and when the Assembly met in November, 1813, so shocked and outraged were the Republican members of the body, that resolutions were introduced reciting the several tergiversations imputed to him; that he had voted against the direct tax to support the war, against the embargo, against prohibiting illicit intercourse and correspondence by the British Tories with the Indian enemies under British dominance, and against the appointment of Gallatin as Ambassador to Russia.

Senator Stone attended at Raleigh, and he later asserted that his purpose was to resign and retire to private life, but he found so much excitement prevailing that it forbade him from entrusting the Assembly with the election of a new Senator, so he held on. A joint committee of the two houses on December 13, 1813, brought in a report stating his defection from the administration, although elected as a supporter of the war, and closing with the resolution: "That the said David Stone hath disappointed the reasonable expectations and incurred the disapprobation of this General Assembly." This resolution was adopted by a small majority in each house. Fourteen Senators protested against it, among them Archibald D. Murphey, and in the House 42 protested, among them Duncan Cameron, James Iredell, Maurice Moore, Paul Barringer and William Boylan. The line between the Republicans and Federalists was drawn. The Federalists in the State were following Massachusetts. When the Legislature was about to meet in

1813  
Biog. Hist.,  
IV, 422



1814

Death of  
Stone

November, 1814, Senator Stone placed his resignation in the hands of Governor Hawkins, who laid it before the House on December 5. Thus ended a phenomenal career. Governor Stone retired to a farm in the vicinity of Raleigh, and four years later died there at the age of 44 years.

When the Assembly met in November, 1814, there were several vacant positions open to the ambitious. Judge Locke, after ten years service, had resigned from the bench and Duncan Cameron had been appointed by the Governor to fill the vacancy; now the Legislature was to elect. Governor Hawkins's term had expired and a new Governor was to be chosen. And Senator Stone had at last resigned in a dramatic way.

The usual custom of elections was now varied. The houses having chosen their former speakers, agreed to ballot for a judge, but before the voting began, the proposition was reconsidered and a caucus was held. Then a "sub-caucus" was held, at which it was agreed to elect Miller Governor, and James Mebane Senator. Later, since Outlaw wished to be Governor, in the interest of Miller it was proposed to substitute Outlaw for Mebane in the Senate, but the caucus was not strong enough. Cameron was elected judge, and Locke U. S. Senator; Miller, however, won the Governor's office. The first ballot stood, Miller 95, Outlaw 10, and Col. William Polk, a Federalist, 83. There was some inadvertence in the count, and it was held "no election." Murphey, a Senator, wrote that if the election had been postponed a day, Outlaw would have been chosen, but for himself, he could not vote for either of them. And singularly enough, while Francis Locke was elected U. S. Senator, he never qualified. The seat remained vacant.

Hoyt:  
Murphey,  
I, 77

## CHAPTER XVI

### THE HARTFORD CONVENTION

1815

The Hartford Convention.—The Federal party falls into odium.—The victory at New Orleans.—The Treaty of Peace.—Republicans in ascendancy.—The poor conditions in the State.—Emigration.—The Quakers.—No free schools.—Governor Miller's message.—Murphey's reports.—The Legislature acts.—The Statue of Washington.—Macon Senator, Gaston in the House.—The Colonization Society.—Branch Governor.—Internal Improvements.—The New Bern Steamboat Company.—Public instruction.—Murphey's plan.—Inland navigation.—Financial conditions.—The Cherokee lands acquired.—Yadkin canal.—The penitentiary.

#### New England holds a convention

The war in Europe had ceased with the battle of Waterloo and Great Britain's hands were now free to conquer America. Our peace commissioners had met those of Great Britain, but our haughty foe sought to impose dishonorable terms as if she had already won the war. When these requirements were communicated to Congress and made public a wave of indignation and of patriotic ardor swept over the country, except alone in New England; there disloyalty prevailed. In 1814 the Legislature of Massachusetts recommended that a convention of delegates from the New England States should be held, and at once set the example of appointing twelve delegates. The Legislatures of Rhode Island and Connecticut followed by appointing their delegates, but Vermont and New Hampshire did not concur. On November 24, 1814, Murphey wrote to Ruffin: "I believe the government is on the brink of dissolution. New England is determined on her course and I see nothing that can arrest it. Augur no good from the votes of New Hampshire and Vermont. All the northern states will confederate and, having amended the Constitution, leave it to us to unite with them or not. My spirits are depressed. I see nothing but ruin and confusion before us."

Hoyt:  
Murphey  
Papers, I, 76



The New England Convention met at Hartford on December 15. There were twenty-six delegates in attendance, among them one from Vermont and two from New Hampshire. They sat with closed doors, their proceedings being veiled in secrecy. On January 4, 1815, they published a report recommending seven amendments to the Constitution; that representation should be based on the white population; that the President should not be elected from the same state two terms in succession; and, further, that the legislatures of the states represented in the Convention should adopt measures to protect their citizens from certain acts of Congress. The resolutions recommended were later adopted by Massachusetts, Rhode Island and Connecticut.

The language used by the Convention admitted the construction that the Convention proposed to dissolve the Union; but in any light, a combination was formed the effect of which was to enfeeble the government in the hour of dire necessity and to encourage the hopes and projects of the enemy. The Convention was the work of New England Federalists and its action was so repugnant to American principles that it turned the patriotic hearts of the people from the Federal party. That party fell into odium and eventually became moribund.

While the Hartford Convention was in progress a Treaty of Peace was signed at Ghent on December 24, but nearly two months passed before the news reached America.

### **The victory at New Orleans**

In September some fifteen thousand British troops, no longer needed in Europe, had been dispatched to take New Orleans and Mobile. Andrew Jackson was in command of that part of the Union. He was well sustained by the Southern people. On the 8th of January he met the enemy and was the victor. It was the most glorious battle fought during the war. The repulse of the British veterans was overwhelming. Now despondency gave place to high

Ramsay:  
History of  
U. S., III,  
400

Andrew  
Jackson

elation. Patriotic ardor stirred the breast of every true American. However, a month later the news of the treaty reached Washington. On February 1, the treaty having been received, was ratified, and the good news flew through the country. America had won the war. Blessed peace had come! and what was called the Second War for American Independence had ended in a blaze of glory.

Peace

Toward the end of the war feeling had not been favorable to the administration. The flight of the President, the capture of Washington City, the burning of the Capitol and the inadequate provision made for defense were heavy weights for the administration leaders to carry. Indeed, Macon had not been a cordial supporter of war measures, while the Federalists had been urgent in opposition. But the war had terminated fortunately, and as the wave of rejoicing swept over the country, the people turned again to the support of the Administration. In North Carolina, Republicans continued in control of the Assembly and regained several of the Congressional districts they had previously lost. John R. Donnell, writing to Thomas Ruffin, congratulated him "on the unexpected triumphs of our Republican friends in almost every part of the State in the late Congressional canvass." It was indeed the end of the Federal party in the State; after this, the odium into which the New England Federalists had fallen bore so heavily on their friends that their southern confreres generally withdrew from them. Indeed, they became stigmatized as "Blue Light Federalists," the reference being to the allegation that when our naval vessels, the *Macedonian* and the *United States*, were attempting to pass to sea at night from New London, their escape was frustrated by means of blue light signals, used by traitors to warn the blockading British fleet.

The Federalists odious

Ruffin, I, 161

The Blue Lights



**Conditions in 1815**

A view of conditions in the State at this period, however, presents a picture far from inspiring. As listed for taxation by the proprietors, the general average of land value was about \$1.33 an acre. In Northampton and Halifax it was about \$5.00. In the northern central counties, from Orange, east and west, it was higher than in any other section, while in some of the long settled eastern counties it was very low, perhaps because of the uncleared swamps and worthless savanna lands, as in New Hanover, where it was only about sixty cents an acre. But the commissioners to assess land for the United States direct taxes for the year 1815 estimated the average value at \$2.60, almost twice as much as that given in for State taxation. The valuation of slaves in the counties shows that in Caswell, Person, Granville, Nash, Franklin, and Warren the slaves were more valuable than the land, and in Wilkes, Iredell, Rowan, Mecklenburg, Lincoln, Burke and other western counties, the slaves were valued at more than half that of the land.

**Transportation**

The handicap of the western counties was their inadequate transportation facilities; while the eastern ports were deprived of the trade of the interior since the most accessible markets for the west were in South Carolina and Virginia. One of the first great turnpikes was from Morganton by way of Kings Mountain to Charleston, S. C.; others led toward Petersburg, and further east Norfolk was the easiest market. The general effect was to keep the value of the products of the west at a low point and to limit the trade of the merchants of the east, who thus made no profit either in handling the exported products or in supplying the interior with necessities. The profits accrued to the merchants of Virginia and South Carolina, and it was considered that they amounted to about half a million of dollars

The markets

each year. As a result of these conditions, there was but little cash accumulated through enterprise and industry; nor were there many channels open for the investment of money. Indeed, the only investment, other than negroes and lands, seems to have been bank stock.

No record was kept of coastwise shipments, but it appears that the foreign exports of all the other North Carolina ports were only about one-third those of Wilmington, for the produce of the northeastern counties went chiefly to Fayetteville Virginia. Towards the south it was different. Fayetteville, at the head of water transportation on the Cape Fear, was the center of a considerable trade, and was the most populous, wealthiest and most important town in the State. Domestic produce shipped by Fayetteville in 1816 included 2,337 hogsheads of tobacco; 8,252 bales of cotton; 11,813 bushels of wheat; 12,962 barrels of flour; 5,164 casks flax seed; 29,761 gallons of spirits of turpentine, the whole aggregating \$1,331,368. Wilmington's export trade for six months of the same year, included lumber, \$157,290; naval stores, \$131,000; products of agriculture, \$1,112,300.

Fayetteville

Exports  
Flax seed,  
flour, etc.

Prices of merchandise were high. Dr. Battle, with the books of a mercantile firm at Raleigh before him, wrote as to values in 1815: "I have a guilty sensation, like that of an eavesdropper, in seeing what the belles and beaux of that period were accustomed to buy; ribbons and combs, and calicoes, silk handkerchiefs, teas and coffee and (shall I tell on them?) brandy and rum. A dozen needles cost 25 cents, a silk handkerchief, bandana, \$1.25, a muslin handkerchief 70 cents; a yard of broadcloth \$7.00; a pound of pepper 70 cents; a pair of cotton hose \$1.40; a dozen pewter plates \$4.50; a pound of hyson tea \$2.50; a yard of linen 70 cents; a pound of gunpowder \$1.00, and a pound of shot 15 cents. Nails were sold by number, fifty ten-penny nails for 15 cents. Brandy was cheaper, \$1.60 a gallon, but loaf sugar for sweetening the julep was 45 cents a pound."

Prices



At that period there were looms in nearly every house and flax was converted into linen, wool into jersey, and cotton into cloth—the people dressing generally in homespun. The pine, along with candles and oil lamps, furnished lights. The food was the product of the farm and gardens and in every community were potters, shoemakers, carpenters and others adept in the various handicrafts.

### Emigration

From the time when the first migrations beyond the mountains began there had been removals to the western wilderness. While this call found response in the frontier and central counties, it also led to a considerable movement even from the sea coast region. A notable instance had occurred in 1800. There were two original settlements of Quakers in the State, one in the Albemarle section, and one, later, from Pennsylvania and Maryland and even Massachusetts in the western counties, with the center at New Garden. Also a considerable number of Friends had located in Jones County and the contiguous territory forming what was known as the Contentnea Quarter. In 1800 all of that Quaker settlement removed to Ohio, and from that time onward there were movements from New Garden and from Albemarle to the country north of the Ohio River. While the spirit of enterprise and hope of advantage were controlling motives, yet disapproval of slavery was likewise a factor. Many of the Quakers, being opposed to slavery, sought homes where it did not exist. But the loss of population by the removal of the Quakers was slight in comparison to that occasioned by the exodus of others to the new lands now open to entry. Thousands of the German Lutherans, and some of the Guilford Quakers, moved north of the Ohio, while the more eastern emigrants went south and west. The movement was induced by the little cost of entry and the speedy increase in value by the great stream of immigrants rushing in to possess the lands. The white

population during the previous decade had increased but 12 per cent, whereas a normal increase would have been between 16 and 20 per cent. Indeed the free blacks increased through emancipation 45 per cent while there had been an increase in slaves of 25 per cent, although many of the whites going to the south carried their negroes with them.

As the transportation facilities throughout the State were very poor the western counties found their most convenient markets in South Carolina and Virginia. It was to remedy this condition that continued efforts were made to open the water-courses to transportation; and turnpikes were chartered here and there at the west, allowing tolls to be charged for their use. Living conditions in the interior must indeed have been discouraging, produce yielding but small returns for industry, while prices of necessities brought from abroad were high.

At the west

#### **No free schools**

As yet the State had not engaged in public education; and although there was a multiplication of academies, the policy of free schools had not been adopted. Indeed, while Massachusetts had early required her townships to maintain schools at which indigents might be taught, these schools were largely supported by the individual patrons. It does not appear that even as late as 1815 there was in any state a free school system maintained by state taxation. Connecticut had in 1795 appropriated the proceeds of her lands in Ohio for a school fund, but there was no state taxation for education, nor had New York a system of free education in 1815. The next year, however, that state opened free schools, the first ever sustained by general taxation. In North Carolina the need for transportation being pressing, conditions were unfavorable for taxation for schools; and despite the numerous academies conducted in the counties, the number of illiterates increased. However, the absence of free schools could not have influenced

Situation  
elsewhere



wealthy, educated families to remove into the far wilderness where there were no schools at all.

### **The Assembly**

Dec., 1816

Miller urges  
equality of  
opportunity

When the Assembly met Miller was continued as Governor and John Branch was chosen as Speaker of the Senate. Governor Miller in his message said: "The progress which has been made of late in the establishment of seminaries for the educating of youth evinces a spirit and genius in the people of this State for literary acquirements. But so long as these establishments are left to depend for support on individual exertion, their beneficial effects must necessarily be partial. It is under the fostering hand of legislative patronage alone that the temple of science can be thrown open to all," and he urged that some plan should be devised by which "every member of the community, no matter how circumscribed his situation, may have an opportunity of experiencing the benefits of education. . . . The great object of a republic, it seems to me, should be to keep all the members of the community, as near as possible, on an equality." Thus he enforced his views for general education by the State. He also urged the improvement of roads, cutting canals, and opening the navigation of the rivers.

### **Murphey's report**

And now Archibald D. Murphey, who united intellectuality with purpose in a higher degree than any of his contemporaries, became more active than ever in matters that bore on the improvement of conditions in the State. Murphey had been well taught and had studied law under Duffie, a gifted scholar; and he himself had directed the law studies of Bartlett Yancey, Thomas Ruffin and others who attained eminence in after life. He was studious, attentive to details and thorough in the consideration of subjects; moreover, he was endowed with a lively imagination

and in his writings selected his words with unusual felicity. He was bent on State improvement rather than on the promotion of partisan measures, nor was he alone in such purposes, for others were in sympathy.

Murphey in his report to the Assembly on Internal Improvements said: "Within 25 years more than 200,000 of our inhabitants have removed to the waters of the Ohio, Tennessee and Mobile. Thousands of our wealthy and respectable citizens are annually moving to the west in quest of that wealth which a rich soil and a commodious navigation never fail to create in a free state." He urged that the opening of rivers, cutting of canals and making turnpikes were of necessary importance. He declared that at the end of five years the values of land, then estimated at \$53,000,000, would be doubled, and the products, estimated at \$30,000,000, would reach ninety millions, "that our citizens would then remain and our population in twenty years would be one and a half millions." While he advocated improvement of all roads, he urged particularly cutting a canal connecting the Yadkin and Cape Fear rivers. His report was favorably received.

The migra-  
tion

Murphey's  
vision

### Legislative action

In response to these recommendations there was legislation to improve the Neuse, the Tar, Yadkin and Roanoke rivers and other smaller streams. In this matter the Assembly went to the limit of its ability and then, animated with a desire to do what was practicable in regard to educating the poorer children, it appointed a committee to report a plan and system of public instruction; and it also appointed a committee to report on the advisability of establishing a penitentiary, but the House rejected the proposition to hold a convention to amend the Constitution by 84 to 34. The Governor was directed to proclaim a day of General Thanksgiving for the successful ending of the late war, but commendation of the President was

Efforts for  
improvement



withheld. An act was passed dividing the State into fifteen districts for the election of presidential electors. As an amendment of judicial procedure the judges were now allowed to grant new trials in criminal cases. At this session, Governor Miller submitted to the Assembly the resolutions of Massachusetts and Connecticut, the result of the Hartford Convention, to amend the Constitution in several particulars, in which the Assembly refused to concur. And in contrast with the New England spirit, North Carolina again sought to manifest her devotion to the Union and to inculcate among her citizens sentiments of reverence for the founder of the republic by instructing the Governor to have made a statue of Washington. Later the Governor reported that he had asked the advice of Macon and all of our public men. Macon in turn had requested Jefferson to advise him. No one was probably more competent. Jefferson's reply was full and illustrates the extensive and varied information of that remarkable man. He recommended that Canova be employed; that the bust made by Ceracchi should be the model, and he elucidated every practical detail. His advice was followed, and the contract with Canova was made.

Statue of  
Washington

Jefferson's  
Letters, VI,  
534

December,  
1815

Macon,  
Senator

In August, 1815, Macon had as usual been returned to the House, and when, on December 4, the House met, was in his seat at Washington. Francis Locke, however, had resigned as senator; indeed he had never qualified; and the Assembly now cast about to fill the place made vacant by Stone's retirement. No one in the State was in the same sphere as Nathaniel Macon and he was chosen. He had for a quarter of a century been the leader of the North Carolina delegation, and of his integrity, candor and patriotism no one doubted. He had been one of the very creators of the Republican party, and he had managed its affairs when Speaker in difficult times with address and power. He took his seat in the Senate, December 13, and an election being immediately held for a successor in the

House of Representatives, his friend and neighbor, Weldon N. Edwards, was elected and was sworn in February 7, 1816. Macon's transfer to the Senate may not have been agreeable to him at all points, as that body had then but thirty-six members, but it relieved him from association with Randolph and some others in the House with whom he had had divergences that brought regret, and also relieved him from association with Clay and Calhoun and others who, while training with the Republican party, had liberal views of the Constitution that Macon could not stomach, and, indeed, they derisively called him "Old Fogy." The escape was doubtless satisfactory to him.

### Gaston in Congress

The withdrawal of Mr. Macon from the House, however, did not leave the North Carolina delegation without distinguished membership. Among others, Mr. Gaston remained. And Gaston was rated as the peer of Lowndes, Clay, Calhoun and Webster: indeed, in some material respects, none of them equaled him. Being opposed to the administration, his course led him away from Calhoun and Clay, with both of whom he had some passages in debate. In February, 1814, when the Loan Bill was before the House, he reviewed the measures of the administration with great power. Calhoun interposed, Gaston replied with such directness that had not Calhoun smoothed the matter a collision would have occurred.

Later, in January, 1816, as his term was near its close Gaston spoke on the previous question, following a speech <sup>1816</sup> Speaker Clay had made on the floor. It was one of the notable speeches delivered in Congress. His reputation was high and the galleries were crowded. Gaston had carefully examined all the law and history, in England as here, on the subject, and had prepared an elaborate and powerful argument. Speaker Clay had spoken with the confidence and assurance that at that period characterized

Gaston's reply to Clay



him. Gaston turning to the Speaker said: "If this hideous rule could have been vindicated we should have received that vindication from the gentleman who has just resumed his seat. If his ingenuity and zeal combined could form, for the previous question, no other defense than that which we have heard, the previous question cannot be defended. If beneath his shield it found so slight a shelter, it must fall a victim to the just though delayed vengeance of awakened and indignant freemen. If Hector cannot protect his Troy, the doom of Troy is fixed by fate." Clay was put in such a sorry plight by the well considered speech of Gaston that he became personally offended with him; politically, they were already adversaries.

Seaton, 295

Gaston a few weeks later retired from the national halls, where Clay remained a great figure. They did not meet again for many years, indeed not until they had both put aside their old political associations and had become Whigs. Then, during a visit of Gaston to Washington they met at Mr. Seaton's table. They each gave a token of recognition, but preserved a stately reserve until the host offered the sentiment: "Friendships in marble, enmities in dust." They obeyed the injunction; cordial relations were established and their friendship continued through life.

### **The Colonization Society**

Apprehensions of evil results that might attend emancipation operated to restrict the right of owners to free their slaves. To remove fears of insurrection incited by free negroes, a society was formed in 1816 to colonize the free negroes, and, indeed, there was some hope that colonization would open the way to general emancipation. Chief among the promoters of this society was Judge Bushrod Washington of Virginia, its first president; and Henry Clay was an urgent advocate. Everywhere throughout the Union the advent of the society was hailed with satisfaction, and ninety-six subsidiary local societies were formed, chiefly at

the South. There were many organized in North Carolina, where the Quakers cordially coöperated. The settlement in Africa was called Monrovia after President Monroe, who rendered the enterprise much assistance.

### **Murphey strives for education**

When the Assembly met in November, 1816, John Branch was Speaker of the Senate, Thomas Ruffin of the House. On the election of Ruffin to a vacant judgeship, James Iredell was chosen Speaker. This session deserves to be considered as a memorable one in its influences on the thoughts of the people. In the Senate, Romulus M. Saunders, chairman of the Committee on Propositions and Grievances, was perhaps the busiest member, but A. D. Murphey's work was by far the most important. He was chairman of the committee to which was referred the subject of "free school education," of that having in charge inland navigation, and that to consider the question of calling a convention. On all these he made notable reports that are memorials of his high patriotism and correct logic; of his wide information, his clearness of thought and precision of statement. At this session John M. Walker, who had been appointed on the committee to recommend a public school system, submitted a report, saying, however, that there had been no meeting of the committee. Likewise Murphey submitted an elaborate report. But while both were ordered to be printed neither was acted on. The subject was left open. There was no adequate fund for the purpose.

Murphey's report went fully into the details of a statewide system of public instruction.

In his report on inland navigation, Murphey said, "The true foundations of national prosperity and of national glory must be laid in a liberal system of internal improvements and of public education: in a system which shall give encouragement to the cultivation of the soil; which shall give

1816  
Murphey's  
Papers, Vol.  
II

Improvement  
of water  
routes



Murphey's  
Papers, II,  
19

force to the faculties of the mind and establish over the heart the empire of a sound morality." In this report he describes the effect of the Gulf Stream on the coast of the State, mentions that the inlet through which Raleigh's ships entered the sound had long been closed, and he recommended that another should be opened for Albemarle Sound. He likewise urged the improvement of Ocracoke Inlet, and of those of the Cape Fear, and the cutting of a canal from the waters of the Pamlico and Neuse to Beaufort. And he dwelt on the improvement of the river courses. He recommended the appointment of a board to have these matters in charge. He repeatedly urged the construction of a canal connecting the Yadkin with the Cape Fear.

Inequality  
of represen-  
tation

Murphey's  
Papers, II,  
45

Among his remarkable reports was that on the subject of a convention. He showed that 37 counties with 152,586 whites had 111 members in the Assembly, while 25 counties with 234,090 whites had only 74 members. A proportionate representation would reverse this, giving the 37 counties only 75 members. He declared that one-third of the State governed the other two-thirds, and urged submitting the question to the people.

### **The currency**

The financial condition was not satisfactory. Specie was scarce, and individuals had been issuing their own due bills that passed to some extent as currency. The Legislature asked the State Bank to increase its capital stock, so as to provide additional circulation. The directors gave reasons why that was not desirable. From this statement it appears that about 1797, prior to the establishment of any bank, the circulation in the State was about \$300,000 of State notes, and an equal amount of specie. In 1811, the circulating medium was about one million dollars, the bank notes, although less than one-half, being depreciated. Now the bank circulation was thought to be nine times greater, and

any increase of bank issues would lead to depreciation. The directors mentioned with some show of pride that when at the North and elsewhere there had been a suspension of specie payments the notes of the North Carolina banks were not depreciated, but passed current everywhere throughout the Union, and even at different commercial centers brought a premium, and were in fact measurably a continental currency. And indeed that very circumstance might well have been a source of pride. In September, 1814, the banks at the North had suspended specie payment, and their notes depreciated. The New England and New York notes fell ten per cent; the Baltimore notes 20 per cent; and others 25 per cent. The stability of the North Carolina bank notes presented a gratifying contrast. Specie payments at the North were not resumed until the establishment of the United States Bank by Congress; and now that bank was about to open a branch in North Carolina, supplying more notes, which was an additional reason for not further enlarging the paper circulation. The episode well illustrates the enlightened judgment and business capacity of the bankers of the State.

North Carolina bank notes

### The Cherokees

In the autumn of 1806 deputations of the Cherokee Indians laid before the President their desire to have a division between the upper and lower towns, and prayed that those of the upper towns might remain in their possession and practice agriculture and become civilized; while those of the lower towns desired to have other territory assigned them across the Mississippi River. The President answered in 1809 conformably to their wishes, and later a treaty was made in which it was particularly declared that to every head of an Indian family residing on lands surrendered to the United States who may wish to become citizens of the United States, the Government was to allot



Statutes at  
Large, VII,  
157

640 acres of land. So the way was opened for the Cherokees of the upper towns to become citizens of the United States. North Carolina purchased from the Cherokees the territory making Haywood County, but the rights of the Indians of that region were safely guarded. Their chief and agent was John Ross, who exerted a great influence for good among them. The money derived from the sale of that land became a fund of great importance and benefit to the State when later opened for entry.

Progressive  
measures

The committee on the erection of a penitentiary made a favorable report, and presented a bill to erect one at Fayetteville; but the House preferred Raleigh as the location, and on December 19, by a vote of 66 to 56 passed the bill with the amendment. However, it was not acted on in the Senate. The Assembly was not indifferent to propositions for improvement and subscribed for 150 shares in the Cape Fear Navigation Company; and authorized a subscription of \$20,000 for cutting the Yadkin canal. However, it refused to vest in one company under Delacy acting for Fulton, the right for the exclusive use of steamboats on the waters of the State. On December 25 the Assembly was informed that the Governor's house was finished and furnished ready for occupancy.

The year 1816 has been called "The year without a summer." North of the Ohio and Potomac, in every month there were frost, snow and ice and no crops matured. In the Southern States it was not so bad, but still the result was damaging in North Carolina and the progressive spirit of this Assembly may have been moderated by the existing conditions.

## CHAPTER XVII

### STEAMBOATS—FULTON ARRIVES

Branch Governor.—Renewed efforts for transportation and for education.—Virginia helps on the Roanoke.—New Bern Steamboat Company incorporated.—Education at Wilmington.—Murphey's plan.—Yancey proposes a Supreme Court.—Conditions in 1817 1818.—Agriculture.—Death of Grove.—Sunday schools.—Gales's enterprise.—Other enterprises.—Wild schemes.—Surveys.—Supreme Court established.—Court reports.—New judges.—Divorces.—Martin proposes taxation for schools.—The House opposed.—The North Carolina waters.—Introduction of steamboats.—President Monroe's visit.—Maps.—Financial distress.—The disastrous year at Wilmington.—Fulton arrives.—The Mecklenburg Declaration first published.—Its genesis.—Alexander's notes.—The account of the Declaration altered.—Discredited.—Jones's defense of North Carolina.—The Assembly meets.—Portrait of Washington.—The Capitol prepared for the statue.—Movement for a convention.

#### Internal improvements

When the Assembly met John Branch of Halifax was at first chosen Speaker of the Senate and then Governor, to succeed Governor Miller; Bartlett Yancey taking his place as Speaker, and James Iredell becoming Speaker of the House. Dec., 1816

Renewed efforts were made to secure internal improvements, and to promote education, Murphey being active in every matter of importance.

Branch,  
Governor

As to river improvement, Treasurer Haywood with three others had been appointed a commission to visit and report progress made on the Catawba, Yadkin and Cape Fear; and he reported that but little work had been done. On the other hand, Murphey declared that in the State at large the result was gratifying, and that ten millions of dollars had been added to the value of property in the State. In particular, was he specific with regard to the operations on the Roanoke and Dan rivers. The improvement company



had "commenced its labors, and within less than twelve months had produced effects that even the most sanguine had not hoped for; lands had risen more than 100 per cent in value along many of the waters of the Roanoke. Boats had been built and produce brought down the Dan into the Roanoke to the advantage of the State."

The Roanoke  
Navigation  
Company

Virginia had proposed to pass the North Carolina act of incorporation, and to subscribe \$80,000 to the stock of the company, on certain conditions, which on Murphey's recommendation the Legislature agreed to. Truly it seemed that hopes of State betterment would now be realized. There were several propositions to secure to persons the exclusive right to navigate streams with steamboats, but only one was acted on favorably. The New Bern Steamboat Company was incorporated, to have a capital stock of \$100,000 and to navigate the waters of the State.

The New  
Bern Com-  
pany

Surveys were ordered to be made of all the principal rivers, and particularly with a view of constructing canals connecting their waters. The commissioners appointed on this work were Peter Browne, John Haywood, Joseph Gales, William Boylan and A. D. Murphey.

### **The penitentiary**

Education

The proposition to establish a penitentiary now had the sanction of each house, but the controversy between Fayetteville and Raleigh as to the location again defeated the measure. Public instruction was also more in the thoughts of the people. At Wilmington where the Innis Academy was in operation, the ladies asked for and obtained the incorporation of the Female Benevolent Society, to care for girls and give them education. At this session both Walker's and Murphey's reports were considered. Both favored schools at which every child might receive education; but while Walker's provided for the raising of money to pay for the tuition of the poorer children, Murphey's report stated that that would be reported on later.

Martin offered a bill that provided for a fund to be raised by local taxation, but it was not considered.

Murphey said in his report: "Your committee feels proud to look back and review the efforts that have been made in North Carolina to diffuse public instruction. Few states have afforded such examples of private munificence for the purpose." In this he doubtless had reference to the considerable number of local academies and private schools that were dotted all through the State affording an opportunity to every child whose friends could avail themselves of it. But Murphey now, as did the others, urged the education of every child, rich as well as poor, by public free schools.

Senate  
Journal,  
1816, p. 36

Indeed, Murphey's scheme of education was extensive. It provided for primary schools in the townships, for academies, and for the University, although he regarded that relatively but few would progress beyond the primary school. The State was to be divided into ten districts, in each of which an academy was to be established: and the entire course was to be at the expense of the State. Under the circumstances, while Murphey's report was a memorable exposition of the general subject, illustrating his fine intelligence and industry, yet it was certainly an impracticable measure at that period. None of the propositions were acted on favorably.

Hoyt: Mur-  
phey Papers,  
II, 63.

Bartlett Yancey, to whom had been referred that part of the Governor's message relating to the judiciary, made a report providing for a Supreme Court, and for a court to be held in the western part of the State; but that measure also failed. However a proposition to revise the Acts of Assembly and to declare what British Statutes were in force in the State was adopted.

### A glimpse of conditions

A series of articles on agriculture was being published in the newspapers; in January, 1818, the twenty-fifth of



the series appeared. The Agricultural Society of North Carolina had its annual meeting. On the 4th day of July there was a celebration at Hillsboro where Col. Wm. Shepherd presided. The 16th toast was "The Dagon plow, clover and plaster; may our farmers learn their use and duly appreciate their value." "Mr. Blount's cotton crop, Washington, was 28,164 pounds on 30 acres, 938 pounds per acre." "Cotton of superior grade, branded Joseph Chamblee, Yadkin, shipped from Wilmington to New York"; "Because of drought, no corn or cotton in Cabarrus"; "Evans, Donaldson & Co. will purchase seed cotton at the factory at Great Falls on the Tar River." The factory on the Tar was then in operation.

Death of  
Grove

On the 30th day of March the distinguished public man and leading Federalist, William B. Grove, passed away at Fayetteville. He was then president of the branch of the U. S. Bank located there. He was so highly venerated that "the inhabitants of the town resolved to wear a token of mourning for thirty days." And on the same day at Pilot Mountain, Mrs. Priscilla Carmichael died at the age of 113 years; she had nineteen children and her eldest daughter was 93 years old. The healthiness of that section was in contrast with the insalubrity of the eastern counties.

### Incidents

The Sunday school begun in Raleigh in 1817 had been followed by one at Poplar Tent in Mecklenburg.

Raleigh's waterworks were completed; "bringing water a mile and a half in wooden pipes, raised by force pumps 110 feet into a tower whence it descends to a reservoir in the State House yard."

Paper mill  
Nail factory

Joseph Gales's paper mill on the Neuse was in operation and Mitchael Hoffry & Co. had a nail factory at Raleigh. "Pews of the new Presbyterian Church were to be sold February 21." So well managed was the State Bank that its stock was 30 per cent above par. Raleigh was enjoying

a theater. The Cape Fear Navigation Company was improving the river up to Haywood; while the company that had been organized to render navigable the Neuse from Raleigh to New Bern was so successful in securing subscriptions that nearly all the shares were taken.

To construct a road from Fayetteville to Morganton, persons living within two miles of the road were required to work it. A road from Burke to Charleston by way of Kings Mountain was already in operation. Joseph Seawell was authorized to construct a bridge across the Cape Fear River at Fayetteville, and he and his associates were to have the exclusive right to navigate the Cape Fear River with steamboats for seven years on the condition that they would keep at least one boat in service. The *Henrietta* was now plying regularly between Wilmington and Fayetteville.

The  
Henrietta

State coaches ran to Salem from Raleigh, and to Plymouth, with steamboat from Plymouth to Edenton; and stages ran to New Bern, where the New Bern Steamboat Company ran to Elizabeth City, with stages to Norfolk. There were two mails a week between Salem and Raleigh. The State House was now out of repair and needed additional room for offices. Henry Potter, Judge Taylor and Bartlett Yancey were directed to sell city lots to obtain the funds to make the alterations.

### Wild visions

On the return of the Assemblymen to their homes in February carrying with them the news of the great achievements of the Roanoke Navigation Company, with the promise that the improvement of the rivers would have similar results in every portion of the State, there was a period of unusual interest in public affairs. "The spirit of canal and river improvement spread like wildfire. There were dreams of navigating our streams from near their homes to the ocean. Raleigh was to receive the vessels of Pam-



lico Sound up Neuse River and Walnut Creek. The produce of the Yadkin Valley, from the foot of Blowing Rock was to cross by canal to Deep River and be exported from Wilmington, and the puffing of steamboats was to echo from the mountains which look down on the headwaters of the Catawba and the Broad." Such is the lively picture drawn by the careful Dr. K. P. Battle.

Under such circumstances a strong Assembly came to Raleigh. Among the members were Gaston, Saunders Iredell, Stanly, McKay, Yancey, Murphey, Kenan, Bedford Brown, Louis D. Wilson, Simmons Baker, Meares, Mebane, Willie P. Mangum, Charles Fisher, Caldwell of Iredell, and Zebulon Baird; and there were others of similar strength.

#### **Ambitious projects**

The surveys

In the Assembly, Murphey submitted a report from the commission appointed to employ "a principal engineer" and other engineers and to cause surveys to be made of the rivers, in which it was said that no "principal engineer" could be obtained in this country, for all competent men were otherwise employed; that their chairman, Peter Browne, had gone to England and the commissioners had requested him to engage one abroad. A detailed report of the several surveys made was submitted. Dr. Caldwell and Prof. Mitchell made the survey of the Yadkin Narrows and Great Falls. John Price, the compiler of the map of the State, and Clemens made several surveys. Surveys were made of the Cape Fear, the Yadkin, and other streams; and routes for canals connecting several of them. Nor was the project of developing water transportation confined to the streams. Murphey proposed a survey for inland communication from Pamlico Sound to the Cape Fear; and from the Cape Fear to South Carolina. If most of this was visionary, some substantial action was taken, and work was ordered to remove the obstructions of the Cape Fear River below Wilmington. Whatever doubts may have

been entertained about the efficiency of water transportation were dissipated, progress was now to be made.

### The Supreme Court

And in the fullness of time, the judicial system of the State was given its final form. The Court of Conference had been replaced by a Supreme Court, of which each of the Superior Court judges was a potential member, only two being necessary for a quorum. Of the Court of Conference John Louis Taylor was the Chief Justice and the only one. It had a seal and the judges were required to write out their opinions; but in some states there were Supreme Court judges who only heard appeals, and year after year there were propositions to establish such a high court in North Carolina. At length in 1818 Gaston presented such a measure and it was passed. Three Supreme Court judges were to be elected. When organized, the court chose Taylor its Chief Justice. Along with the establishment of this court, the Legislature provided a salary of \$500 for a reporter, who was to furnish the State 142 copies of reports of decisions. Before that there had been published at private venture reports compiled by Francois Xavier Martin containing decisions of the Superior Court and of the U. S. Circuit Court; by Judge John Haywood reports containing decisions of the Superior Court, Court of Conference, and the Federal courts, between 1797 and 1806. Chief Justice Taylor published reports for 1799, and Conference reports, and Archibald Murphey published reports for 1804 to 1810. Taylor also published the North Carolina Law Repository. the first volume containing State reports for 1811 and 1812 and selected decisions elsewhere, along with sketches of eminent jurists; and this was followed by a second volume in 1815, and Taylor's Term Reports in 1816. Murphey then published a report for 1817. Such had been the publications up to the time of the organization of the new Supreme Court and the employment of a State reporter.

The reports



The Legislature also now appointed Henry Potter, Bartlett Yancey and Chief Justice Taylor to revise the statutes of the State.

#### **Changes on the bench**

There being three vacancies on the Superior Court bench, John Paxton, John D. Toomer and Frederick Nash were chosen. Neither Paxton nor Toomer remained long on the bench, although Judge Toomer was eminent in the profession; but it was the beginning of an illustrious judicial career for Judge Nash. A few days later, the Assembly adopted a resolution that in its opinion no judge ought to be a director in any bank and contemporaneously with the adoption of that resolution, Judge Ruffin, who was hardly warm in his seat on the bench, resigned and his preceptor in law, Mr. Murphey, succeeded him.

Divorces  
allowed

In 1814, the Superior courts were authorized to grant divorces from bed and board and to allow alimony, but the Legislature reserved to itself the right of granting absolute divorces, annulling the marriage tie; the practice as to these being for the court to examine the witnesses and present the facts to the Legislature for its action. Now, four years later, the Superior courts were for the first time vested with the power of granting absolute divorces.

#### **The House opposed to taxes**

William Martin of Pasquotank from the Committee on Public Instruction reported a bill authorizing the county courts to establish one or more public schools in each captain's district; the teacher to be paid, two-thirds by the pay pupils and one-third by taxation; the poor children shall be taught free and books furnished them. This was somewhat similar to the Massachusetts system. This bill passed the Senate 52 to 2, but it was postponed in the House. Such was the fate of every effort to establish schools by taxation. The Senate, being perhaps of a higher order of

Senate  
Journal  
1818

statesmanship than the House, was hampered by the majority of that body, although there were many members of fine intelligence in the House also. The failure to move forward now was an illustration of the inaction of a too conservative democracy.

#### **The North Carolina waters**

From the Virginia line to South Carolina the ocean bank is generally a sand ridge varying in width from a few miles to a hundred yards, but with capes jutting out as at Hatteras and Lookout and at the mouth of the Cape Fear. Within the banks at the north are Albemarle and Pamlico sounds, whose waters extend westward over a hundred miles to the mouths of the Chowan, Roanoke, Tar and Neuse; and there are inlets breaking through the banks, the principal ones being near Roanoke Island and at Ocracoke. Lower down are Beaufort harbor and the mouth of the Cape Fear River. From the water level for more than one hundred miles inland is the Coastal Plain that rises about a foot to the mile, often being so level that water barely passes off. Here are the great swamps that were a menace to health, while too vast to be drained through private enterprise. But here also were great forests that yielded lumber and naval stores for export.

Along the western confines of this plain were the rocks that made the falls in the river courses, as in the counties of Halifax, Nash, Wake, Moore, and Montgomery; and now began the Piedmont region, gently rising for two hundred miles to the mountains, with hills here and there almost mountainous. Then at the west is the Blue Ridge, running from the South Carolina line to Ashe County, curving and with a broken chord between the eastern extremities. Beyond the Blue Ridge are ranges and spurs to the Alleghanies, with valleys and plateaus, and nearly a hundred peaks reaching six thousand feet, all covered with rich soil and clothed in verdure. In Ashe County New River runs



northward, flowing into the Ohio; while Toe River passes into Tennessee, as do the French Broad and other western streams. But the Catawba and Yadkin, rising on the eastern slopes of the Blue Ridge, run northward until reaching more level beds, they bend to the eastward and finally turn sharply to the southward, the Catawba passing into South Carolina west of Charlotte, and the Yadkin keeping some fifty miles farther east. The Catawba in its courses is generally placid and with only a slight current, and navigable for boats, but with some shallows here and there; and so with the Yadkin until it reaches, in Montgomery County, the gorge formed by the encroachment of the Uwharrie Mountains upon its channel. There it suddenly plunges a sheer cataract of ten feet into the head of the Narrows through which it passes a swift torrent, compressed into a width of sixty feet, for nearly three miles; then leaving the gorge, it at once expands into a breadth of a thousand yards, and becomes a scene of verdure caused by the Grassy Islands.

Along the Virginia line, the Dan, rising in Stokes County, courses eastward, passes into Virginia, where it joins the Roanoke which presently comes into the State, being a wide and placid stream until it reaches the rapids in Halifax County; its waters finally emptying into Albemarle Sound.

The Haw and the Deep in the central counties unite and form the Cape Fear that from Fayetteville down is a gentle, wide and deep stream. The Tar and the Neuse, draining the middle counties, also in their lower courses are navigable. Such in brief was the water system, which now it was proposed to utilize as far as practicable for transportation. The scheme was by no means Utopian. To succeed, however, required a considerable expenditure and intelligent work. Shoals and obstacles were to be removed and their subsequent formation from natural causes guarded against, and the conditions were not favorable for a realization of the hopes now entertained.

### Introduction of steamboats

In 1813 John Devereux Delacy came to New Bern as the representative of Robert Fulton, where there was also a representative of Stevens who had been engaged with Fulton earlier, but having separated, was now engaged in the same business Fulton was following—building steamboats for use in any desirable waters. North Carolina had not only her rivers but her inland sounds, and the possibilities of pecuniary returns were apparent. At that period the boats and machinery were so imperfect that the speed was only about four and a half miles an hour.

Application was made in behalf of Stevens, for the exclusive right to navigate the waters of the State, but the Assembly annexed a condition that was not acceptable; Delacy likewise made an application for the exclusive right to navigate the Neuse for a number of years: nor was that application favorably considered. Robert Fulton died in 1816, but Delacy remained, and on the formation of the Neuse Navigation Company, he associated himself with that company and was engaged with its affairs. He continued at New Bern, and in 1818 a steamboat was plying from New Bern to Elizabeth City. Some years later Delacy offered to sell his interest in steamboats to the State at the price of thirty thousand dollars, but the offer was not accepted. It is said that the *Clermont*, the first steamboat to ascend the Hudson, was sold at the South. As Delacy was the agent of Fulton to place his steamboats, it is probable that the *Clermont* was brought to New Bern. The first use of steamboats at New Bern appears to have been to open a route to Norfolk and the North by steamer from New Bern to Elizabeth City, and then, overland to Norfolk. For that service the *Clermont* was well adapted. She was 133 feet long, 18 feet wide and her hull 9 feet deep. While well suited for the sound, she drew too much water to ascend the Neuse very high up. Efforts were made to clear Neuse

New Bern  
and  
Elizabeth  
City



River of obstacles, but if steamboats were used they did not at that period ascend far. And in 1846, Governor Graham mentioned as something new that a steamboat was then plying the Neuse, and another on the Tar.

Edenton and  
Plymouth

In 1818 the Edenton and Plymouth Steamboat Company had been incorporated and a steamer ran between Plymouth and Edenton. Of this Dr. Mitchell makes mention. He was bringing his bride from Connecticut. They reached Norfolk by steamboat from Baltimore, and then over land eleven miles to the head of Dismal Swamp Canal. The canal boat was twenty feet long and it was drawn by horse four miles an hour for twenty-two miles. Arriving at Edenton, they found the steamboat had gone. On reaching Plymouth they took the stage to Raleigh.

Battle Hist.  
Univ., 252.

The Cape  
Fear

The first steamboat on the Cape Fear seems to have been the *Prometheus* in 1818. A joint stock company had been formed for the purpose of having a steamer built to ply between Wilmington and Smithville or Wilmington and Fayetteville. Captain Otway Burns, of privateer *Snap Dragon* fame during the war of 1812, was the contractor. The boat was built at Beaufort where he resided. When the company was informed that the steamer was ready for delivery they dispatched an experienced sea captain to bring her to her destined port. Expectations were on tiptoe. A feverish excitement existed in the community, which daily increased, as nothing was heard of him for a time, but early one morning this anxiety broke into the wildest enthusiasm when it was announced that the *Prometheus* was in the river. Bells were rung, cannon fired, and the entire population, without regard to age, sex or color, thronged the wharves to welcome her arrival. The tide was at the ebb, and the struggle between the advancing steamer and the fierce current was a desperate one, for she panted fearfully, as though wind-blown and exhausted. She could be seen in the distance, enveloped in smoke, and the scream of her high pressure engine reverberated through the woods,

while she slowly but surely crept along. As she neared Market Dock, the captain called through his speaking trumpet to the engineer below, "Give it to her, Snyder," and while Snyder gave her all the steam she could bear, the laboring *Prometheus* snorted by, amid the cheers of the excited multitude.

Sprunt:  
Cape Fear  
Chronicles,  
139

On the Cape Fear the *Henrietta* was plying in 1818. The Clarendon Steamboat Company was organized at Wilmington in 1818 and all its stock quickly taken, while at Fayetteville James Seawell was the master mind in planning and executing. In the fall of 1818 he obtained an act of Assembly vesting in himself and associates the exclusive privilege for the period of seven years of running steamboats between Fayetteville and Wilmington; but others were to be allowed, if licensed by him. He likewise obtained authority to build a toll bridge across the river at Fayetteville near the steamboat landing. He appears to have fostered the building of boats by others, for four years later, the Legislature passed an act incorporating under the name of the Cape Fear Steamboat Company the proprietors of all the steamboats then plying on the river. The capital stock was to be \$60,000.

Apparently, the first steamboat built on the river was the *City of Fayetteville*. "It was launched not far from the Clarendon bridge, and it has been related that some one having prophesied that it would turn turtle when it reached the water, the architect boldly rode in its bow, as it slipped off its ways and the event justified his faith in his work."

Ibid., 151

Then came the *Henrietta*, the *Fanny Lutterloh*, the *Cotton Plant*, and others. In 1819 the *Fayetteville Observer* mentioned merchandise purchased in New York, March 27, and shipped the 29th, reached Wilmington April 6, and was received at Fayetteville by the Steamer *Henrietta* in eight days . . . and before the bill of lading had reached Fayetteville by mail.



In 1825, at the end of seven years, the Cotton Plant Steamboat Company was incorporated.

And while Seawell and his associates were securing transportation on the water, the people at the west were co-operating and making efforts to obtain turnpike roads to Morganton, and to Salem and Wilkesboro; and a good road had been built to Raleigh.

### Monroe's visit

April, 1819

The  
engineers  
at Nags  
Head

In April, 1819, President Monroe made a tour through the South, and, accompanied by John C. Calhoun, the Secretary of War, and some of the Army Engineers, he went from Edenton across to Roanoke Island and Nags Head to examine the situation in regard to opening an inlet into Albemarle Sound. He visited Plymouth; and traveled by land to Washington, where a salute of twenty-one guns was given him; and indeed everywhere he received a great ovation. He then pursued his journey southward to New Bern and Wilmington. On April 12, he and his suite were met at Scotts Hill by the Wilmington Light-horse and escorted to the town. The next day, accompanied by A. D. Murphey, he was shown the salt works still in operation at Wrightsville, and then the steamer *Prometheus* carried his party to Fort Johnston, on the way to Charleston.

Maps

Hoyt: Mur-  
phey Papers,  
II, 180

It is difficult to realize what obstacles the public men of that period encountered for the want of accurate information about the State. There were no maps. Jonathan Price and Strother proposed to make a map of the State, but the Legislature being applied to for assistance had denied any aid; fortunately Judge Stone and Peter Browne gave some assistance and the enterprise went forward. However, one-sixth of the State at the west remained without any survey, and very imperfectly portrayed. Still a few years later when Turner was preparing his atlas including the countries of the world and each American

state, he complimented this map as being the best of any state.

The movement for transportation led to surveys in the central and eastern parts of the State and brought out much information of value.

The geological structure of the Piedmont section particularly was explored and interesting facts connected with the falls in the various rivers on passing into the Coastal plain were brought to public attention, particular surveys being made by Dr. Mitchell, President Caldwell and others.

### Financial distress

In 1819 there was widespread financial distress throughout the State. The policies introduced in 1815 had borne some fruit. The movement for internal improvements had brought hope of advanced values and of local development. And so an era of speculation set in. But the progress was not commensurate with the expectations while the main cause of the backward condition of the State remained. In the absence of adequate transportation facilities the products of the industrious inhabitants were of small value at home, and carried to a market elsewhere, other communities profited from them, while merchants in other states derived the profit from supplying necessary goods to the people of North Carolina. It was to remove these obstacles to prosperity that a great effort was now made by the leading men. But for the present the condition was bad. The banks suspended specie payments. Many persons became insolvent.

This year has been called "the disastrous year" for the little town of Wilmington, whose white population was barely a thousand. First, in the summer the dreadful scourge of yellow fever that was more prevalent through the South Atlantic region than usual, prevailed in the town: and then in November a conflagration almost destroyed it. "Thrice," said the *Wilmington Recorder*, "within twenty

Wilmington



years has the devouring element laid in ashes the abodes of her inhabitants. . . . Enterprise, industry, and the assistance of her neighbors gave her measurably resuscitation, until the recent pressure of the times bended her down almost to the sinking point. Embarrassments in pecuniary matters had reached that state which appeared to baffle relief. Sickness and death followed in the melancholy train. Despair had almost concluded that she could not sink beyond this. Hope pointed to better days. Disease had ceased, the deserted abodes of her inhabitants filling, vessels arriving daily in her port. Then the fire; the delusion vanished. There were about three hundred houses destroyed and the loss of property was between six and seven hundred thousand dollars." The fever that attacked Wilmington also prevailed elsewhere in the State. At Fayetteville there were several deaths, and elsewhere communities suffered.

Sprunt:  
Cape Fear  
Chronicles,  
104  
1819

On April 11 the first Presbyterian Church ever erected at Wilmington was dedicated and Rev. Mr. Boice was ordained and installed as pastor. "It was but a few years past that there was but one minister of that place and he of the Methodist persuasion. The Episcopal Church was in a ruinous and neglected state; since which time it has been repaired, galleries added, and an organ obtained; a Methodist meeting house built, and the Presbyterian Church; over all are clergymen."

### **Fulton arrives**

Hamilton Fulton, the English Engineer employed by Peter Browne, arrived in June, 1819, and found himself in the presence of novel conditions. But on the departure of Browne for England, Murphey had been chosen a member of the Board of Internal Improvements to supply the vacancy; and he was likewise chosen chairman of the board; and as such he prepared a memoir of the situation in the State for the information and instruction of Fulton, the first

object in view being to render the rivers navigable, not for steamboats, but for flat boats, carrying produce from river landings down the stream to some point for shipment. To this end, the Catawba and the Yadkin and other rivers were deemed navigable almost to the mountains.

Murphey's memoir indicates such a thorough examination of details and such a copious volume of information that of itself it establishes Judge Murphey in the front rank of North Carolinians.

Hoyt: Murphey Papers, II, 103

Fulton had been employed in important works in several countries of Europe and rated his services at 1200 pounds per annum. While his residence was at Raleigh, his employment led him to make examination of all the rivers.

### The Mecklenburg Declaration

On the 30th day of April, 1819, there was published in the *Register* at Raleigh a paper writing giving an account of a patriotic convention held at Charlotte, May 20, 1775, at which resolutions declaring independence were adopted.

It had happened that the records of the Committee of Safety of Mecklenburg County were in the possession of Col. John McKnitt Alexander, and his residence having been burnt down in April, 1800, these records were then destroyed. Soon afterwards he undertook to reproduce the resolves of the committee adopted in May, 1775, and this is what he wrote:

On the 19th May 1775 Pursuant to the Order of Col. Adam Alexander to each Captain of Militia in his regiment of Mecklenburg County, to elect nominate and appoint 2 persons of their Militia company, cloathed with ample powers to devise ways and means to extricate themselves and ward off the dreadful impending storms bursting on them by the British Nation &&&

Therefore on sd. 19th May the sd. Committee met in Charlotte Town (2 men from each company) Vested with all powers these their constituents had or conceived they had &&&

After a short conference about their suffering brethren be-seiged and suffering every hardship in Boston and the American Blood running in Lexington &&& the Electrical fire flew into every breast and to preserve order choose Abraham Alex Es-



quire chairman & J. McK. A. Secretary. After a few Hour free discussion in order to give relief to suffering America and protect our Just & natural right.

1st. We, (the County) by a solemn and awful vote, dissolved our allegiance to King George and the British Nation.

2nd. Declared ourselves a free & independent people, having a right and capable to govern ourselves (as a part of North Carolina)

3rd. In order to have laws as a rule of life—for our future Government. We formed a Code of laws, by adopting our former wholesome laws.

4th. And as there was then no officers civil or military in our County we decreed that every Militia officer in sd. county should hold and occupy his former commission and Grade and that every member present, of this Committee shall henceforth as a Justice of the Peace.

After reading and maturing every paragraph they were all passed Nem. Com. about 12 o'clock May 20, 1775, etc.

The original manuscript is still preserved at the University of North Carolina.

Later, some unknown person with the above as a basis, prepared the paper that was published in the *Register* in 1819. The fact that some such action was taken in Mecklenburg in 1775 was known by Col. William Polk and others; but some of the statements made in the published paper being known to be incorrect, Colonel Polk and Judge Murphey and later Judge Martin, who wrote a history of the State, subsequently altered the account in the paper to conform to their views. Ten years later in 1839, in the absence of anything to the contrary, on the recommendation of a committee, the General Assembly resolved that the corrected paper be printed as the proceedings in Mecklenburg County and that has since been known as "May 20."

It will be observed that Colonel Alexander himself wrote about the "election of committeemen on the 19th of May," and the meeting of the committee on the same day and its proceedings. When his notes were being written out in full by some unknown person, the conflicting statements, doubtless were observed; and to avoid the conflict, the election of committeemen on the 19th was omitted and that date

was erroneously attached to the meeting—the committeemen were changed to delegates and the committee meeting to a convention. Such appears to have been the origin of the account of any meeting on the 19th, the day when the committeemen were elected. Up to 1835 there was no knowledge of any contemporaneous publication relating to this episode, but then and afterwards the contemporaneous account of the action taken at Charlotte by the Committee of Safety on May 31 was found in several newspapers of June, 1775. The proceedings and resolves being so similar, it is apparent that they were what Colonel Alexander remembered and sought to reproduce in 1800. After these discoveries the account written in 1800 by some unknown person of a Convention of Delegates at Charlotte on May 20, was discredited and the contemporaneous publications of the proceedings of the Committee of Safety elected as Colonel Alexander wrote were accepted; so the Legislature of 1850, in making reference to the “Mecklenburg Declaration” said “May, 1775.” In Johnston’s Cyclopedia is an article attributed by the editors to Governor William A. Graham, in which it is stated that there was only one meeting at Charlotte and it was held on May 31; that there was no meeting on May 20.

Johnston’s  
Cyclopedia,  
Vol. V., 329

When the publication was made in the *Register* in 1819 it attracted the particular attention of John Adams and Thomas Jefferson, who had been promoters of independence in 1776. Jefferson, in his comment, cast aspersions on Hooper and Hewes, our delegates in the Continental Congress. His charges led a patriotic citizen, Joseph Seawell Jones, to prepare a *Defense of North Carolina*, published perhaps at the expense of Maj. William Gibbs McNeill, of Bladen County, previously an officer of the United States Engineers, but then perhaps the greatest of the civil engineers of this country, resident in Boston. This *Defense of North Carolina* was the first historical publication made by any citizen of the State, a volume of 340 pages, con-

Jones’s de-  
fense



taining much valuable historical matter then first published. It was a complete answer to Jefferson's aspersions, and Jones's work was admirably done. Later, in 1838, Jones published a lovely volume, *Memorials of North Carolina*, dealing with the first settlement in Queen Elizabeth's time, highly imaginative and beautifully written, but indicating much research and literary attainment.

When the Assembly met Yancey was chosen Speaker by the Senate and Saunders by the House, and Branch was elected Governor.

Branch,  
Governor

Two portraits of General Washington had been ordered, one for each room occupied by the Assembly; and the marble statue. One of the portraits, made by Sully, had been set up in the House of Commons and Governor Branch suggested that the order for the other might be changed to a portrait of some North Carolina patriot. At any rate, he said the portrait was too large to go into the room used for a Senate Chamber. As the statue of Washington was now soon to arrive the Assembly raised a committee to consider where it should be placed. At first there was a proposition to erect a separate building for it, but on the recommendation of Mr. Nichols, the State Architect, that idea was abandoned. Instead, it was proposed to make alterations in the State House, providing suitable space for the statue, and also a place for the Supreme Court and a larger room for the Senate and other rooms for committees. This idea was adopted and \$25,000 was appropriated for the purpose. The new building was to be three stories high. There was to be a spacious rotunda, with colonnades and ornamentation in keeping with the statue.

The portrait  
and statue of  
Washington

At this session, 1819, Mangum presented a resolution reciting at length many of the alleged defects of the Constitution and submitting the question of a convention to the voters. It was discussed with warmth, but finally was defeated.

Hoyt: Mur-  
phey's Re-  
port

## CHAPTER XVIII

### IMPROVED CONDITIONS

The towns.—Judge Murphey on Supreme Court.—Branch's message.—School at Raleigh.—The Western College.—Parliamentary practice.—The Agricultural Society.—The Slavery problem.—The freed negroes.—The Colonization Society.—The differing sentiments.—The Missouri Compromise.—Causes of concern.—Governor Franklin's message.—Dissatisfaction with Fulton.—The Literary Fund.—Roanoke River improvement.—Statue of Washington placed in Capitol.—Holmes Governor.—Death of Franklin.—Donations to the University.—Holmes urges improvement of rivers and of roads and that agriculture be taught at University and all youths educated.—Board of Agriculture.—Imprisonment for debt modified.—Improvement of the Cape Fear.—The Western Convention.—The Episcopalians organize.—The first Geological Survey.—The canal from Great Falls extended to Weldon.—Pressure for schools.—Negroes not allowed to muster as militia.—Episcopalians allowed to build on Moore Square. 1820.

The relative importance of the towns of the State is somewhat indicated by the census returned for 1820.

Fayetteville, at the head of the water navigation and the commercial mart for a large portion of western country, had 1,918 whites; New Bern, the commercial center of the middle east, 1,475; Raleigh, the seat of government, although so new, 1,177; Wilmington, with its commercial importance and but little back country, 1,098; Salisbury 743; Edenton 634; Washington 474.

#### Changes in the Judiciary

At the June term of the Supreme Court Judge Murphey, by letters missive issued by the Governor, sat on the Supreme Court to hear certain cases in which some of the justices had been employed. Later that authority was taken from the executive, and Judge Murphey was the only Superior judge who ever sat on the Supreme Court. And in that year some changes occurred among the judiciary, for Judge 1820



Murphey, after a year's service retired from the bench, being oppressed by pecuniary losses incurred in land speculations and as surety for others. To succeed him Governor Branch appointed William Norwood of Hillsboro.

Judge  
Badger

Also, Willie P. Mangum, who had likewise served but a year, resigned and was succeeded by George E. Badger, who was destined to play even a greater part in public affairs than either Murphey or Mangum.

It appears as if the office of Superior Court judge was thought to be more desirable for its opportunities to lay a basis for public life than for a judicial career. The salary was so small compared with the earnings at the bar.

The tariff

Senate  
Journal, 92

Governor Branch in his message called attention to the deplorable condition of the people of the State and the effect of the depreciation of the bank currency incident to the suspension of specie payments, and he emphasized the adverse effects on conditions of an increase in the tariff. He recited that our agricultural products were at a very low price, and the State was suffering from the exactions imposed by the Federal Government. As a result, the Legislature adopted a resolution instructing the Senators and requesting the Representatives in Congress to oppose any increase in the tariff.

Public lands

And since Congress had appropriated much public land in the new states for schools, the Senators were instructed and Representatives requested to have a similar appropriation of land for the use of public schools in North Carolina.

Ibid., 93

Fayetteville, not to be behind Raleigh in improvement, now applied for and received authority to have waterworks. But Raleigh under the influence of Joseph Gales had taken a still further step in advance. The ladies of that city had begun an organized effort to help the poor girls and educate the poor children of their community similar to the action at Wilmington, and an act was passed:—

At Raleigh

“Whereas many ladies of Raleigh have associated themselves for the purpose of relieving distressed females and to promote the education of poor children,” the association

was incorporated, the officers being "a first directress, a secretary and twenty managers."

At that session steps were taken in regard to "The Great State road that ran from Fayetteville to Morganton, and then through Ashe County to Tennessee."

Acts 1820,  
Ch. 75

And as the Western people were not able to send their boys to the University to their satisfaction, they desired a western college to be of the same grade as the University, and on their application a charter was granted for "a western college."

The Western  
College

Governor Branch's three years having expired, Jesse Franklin was now elected Governor; and as there were "neither carpeting nor furniture of any kind in the second story of the Governor's Palace," \$1,000 was appropriated to supply them.

Franklin,  
Governor

Under the rules of the Assembly when a bill had passed one reading in one house it was sent to the other house, and then after it was acted on it was returned; and then when acted on, it was again sent to the other; the bill being bandied about for three readings in each house. Now that rule was abrogated, and every bill was perfected in the house where it originated, and having passed its three readings there it was transmitted to the other house for action.

Change in  
passing bills

### The Agricultural Society

The Agricultural Society of the State was for a time in fine efficiency. Its corresponding secretary was George W. Jeffreys of Person County. Jeffreys was energetic in his efforts to promote agriculture in the State. He obtained a collection of some twenty or thirty letters on the subject of improvement in Virginia and Pennsylvania and in February, 1820, from Raleigh he sent them for publication to the *American Farmer* at Baltimore, the first agricultural journal started in this country and a very important one, having a considerable patronage in North Carolina. These letters would make some fifty or sixty pages—quarto

Jeffrey's  
work



Efforts to  
promote  
agriculture

—and were addressed to Mr. Jeffreys. The editor, John W. Skinner, announced them as a “Valuable Collection from Colonel Taylor and John Taylor of Caroline, the Fathers of Improvement in Southern Husbandry; from Thomas Jefferson; Judge Richard Peters of Pennsylvania, Thomas Marshall (brother of the Chief Justice) Josiah Quincy of Massachusetts and other citizens distinguished for talents and public spirit. It seems to be due to propriety and gratitude to record our acknowledgments to Mr. Jeffreys for the honor and benefit he has conferred on this Journal in having selected it as a medium worthy of conveying to the public the contents of these valuable papers. Many of them were addressed to Mr. Jeffreys as Corresponding Secretary of the Agricultural Society in North Carolina.” Later Jeffreys communicated his thoughts on deep ploughing and the proper way to plant corn. Incidentally he said: “If I were asked what was the first and cardinal principle to be kept in view in the improvement of land, I should answer, the gradual deepening of the soil.” Unfortunately, the Society did not long flourish.

### **Slavery: The Missouri Compromise**

The manu-  
mission  
societies

During the last year of Governor Branch’s administration the subject of slavery opened up a very bitter sectional controversy. The South was not indifferent to the general subject, but whatever feeling there was favorable to manumission was checked by the continued presence of the freed slave. About 1816 manumission societies began to be formed, chiefly, however, among the Quakers, although there were others coöperating. Ten years later there were forty branches in the State, of which twenty-three reported more than one thousand members. And it was said that in three years two thousand slaves were emancipated in the State, a statement that the census enumeration of free blacks seems to sustain. But not content with that, Levi Coffin, an active Quaker about New Garden, devised and

put into operation a system of running off slaves into free territory. This was successfully carried on for years, and, later, to such an extent that it was known as the "Underground Railroad." The problem of the free negro led in 1818 to the formation of the American Colonization Society. The Assembly of North Carolina had passed a resolution proposing that Congress should set aside in the far west, on the Pacific Ocean, a territory which the free blacks might occupy; but the project did not materialize. The American Colonization Society of which Judge Bushrod Washington of Virginia was president, Henry Clay, Andrew Jackson and other influential Southerners were members, had in view their colonization in Africa.

The North  
Carolina  
proposition

In 1819 Rev. William Meade of Virginia, (Bishop Meade) was sent south as an agent to organize branch societies. He formed societies at Raleigh, where Governor Branch was president, Colonel Polk, Judge Taylor, Joseph Gales and thirty-five others were members; and societies were formed at Chapel Hill, Fayetteville, Greensboro, Hillsboro, Edenton and eight other points, among the members being men of prominence in public affairs.

The coloni-  
zation society

Moses Swaim, president of the Manumission Society and the editor of a newspaper at Greensboro devoted to that interest, said about that time that "there were no newspapers in the State earnestly defending slavery; that about half the people were ready to support schemes of emancipation, one-sixth deemed it impracticable and relatively a small number were bitterly opposed." The sentiment against slavery was natural to many, but the difficulties of the situation forbade emancipation unless accompanied by colonization. Besides, the property was valuable, and especially in the eastern counties most of the families were pecuniarily interested and, without the slaves, their extensive plantations would be relatively valueless for the want of labor. The value of a man between fifteen and forty-five years of age was about \$500, and, of a woman, \$350; and men ac-

The senti-  
ment

Weeks: So.  
Hist. Assn.,  
XI, 2, 110



customed to slavery who had inherited slave property were loath to give it up. Such was the condition when slavery in Missouri became a political question.

Missouri

In 1820 the antagonism that New England had displayed towards the purchase of Louisiana again manifested itself. The Territory of Missouri, a part of that purchase, in December, 1819, applied for admission as a state, slavery being already established there.

The compromise

An amendment was proposed to the bill to admit her, looking to making her a "free state." The North had a majority in the House, and the amendment was adopted; but in the Senate it was stricken out. About the same time Maine applied to be admitted, and the northern members were willing for the two states to come in together; but while abandoning the amendment to the Missouri bill, they proposed instead that slavery should not exist elsewhere in the Louisiana purchase north  $36^{\circ} 30'$  which is the line of the southern boundary of Missouri. This was agreed to, and the agreement has been known as the "Missouri Compromise." All south of that line was to be open to the slaveholder; but north of it was to be "free-soil." On that basis Missouri was to be admitted. But a new question arose that delayed her admission. In forming her State constitution the convention inserted a requirement that the Legislature should prohibit the coming into the State of any free negro. This was strongly objected to by northern representatives and the State was not admitted. Finally in February, 1821, an act was passed admitting the State on condition that the Legislature should never pass such a law; and in June, the Legislature solemnly agreed to that as a fundamental condition; so in August, 1821, Missouri was admitted as a State in the Union. This struggle over the admission of Missouri, extending through eighteen months of hot controversy, was marked by great bitterness, and the sectional animosity engendered ran high. A correspondent of Bartlett Yancey, writing from Wash-

A different question

ington February, 1820, said: "In truth the discussion of this matter has been of the most alarming character to the people of the southern and western states. These Yankee folks have a sort of notion that they can emancipate our slaves, and have broadly hinted at the practicability and expediency of such a measure. The agitation of this question has created great warmth and excitement here. One would suppose from the storm that has been blowing here that the whole Nation was in a ferment."

Mrs. Seaton, writing from Washington during this debate, said: "Congress has been occupied during three weeks in the discussion of the Missouri bill. The excitement during this protracted debate has been intense. The galleries are now crowded with colored persons, almost to the exclusion of the whites. The Senators and members generally are so excited that unless their angry passions are allowed to effervesce in speaking the most terrible consequences are apprehended even by experienced statesmen. On the one side there was talk of breaking up the Union, on the other the North would never assent to the extension of slavery."

The excitement intense

At length that session at which the compromise was made, closed in May; at the next session, the question was again opened, about the exclusion of free negroes in Missouri. Maine had long been admitted, and all wanted the bargain to be enforced.

Mr. Clay was then instrumental in securing the adoption by the House of the act of Congress with its "fundamental condition" that opened the way for Missouri to conform to the will of the northern congressmen; and he became known as "the pacificator."

Clay secures Missouri's admission

### Conditions at home

The year 1821 appears to have been remarkable for circumstances that gave concern. Financial distress pervaded the State, and to such an extent at the west that further time was allowed to those who had purchased State lands;

1821



while the act of Congress, called the Navigation act, with respect to the British colonial system, bore so hard on the commerce of the eastern ports that a resolution was adopted calling on representatives in Congress to ask its repeal.

Insurrection

Besides, the yellow fever had been so violent at Wilmington that the session of the Superior Court could not be held there in the fall. Then there was an insurrection among the negroes in Onslow, Carteret and Jones counties, as well as in Bladen County. There had been trouble in 1810, and now ten years later, the outbreak was both more widespread and violent. The militia had been called out to suppress the rising, and indeed, the constant possibility of insurrection required that attention should ever be given to the militia, and a large part of the time of each Assembly was taken up in electing militia officers.

At the session of November, 1821, among the new members were Francis L. Hawks, Robert Strange, Louis D. Henry, Charles Fisher, D. L. Barringer, John M. Morehead, all destined to distinction; and Otway Burns who had made so great a reputation on the sea.

Progressive  
ideas

When Governor Franklin submitted his annual message, he dwelt on the hard times that were so disastrous to the people; and he recommended some changes in the punishment of criminals, especially urging that the punishment of cropping ears should be abolished, and that reform should be the object sought to be subserved. The subjects of public schools and of a constitutional convention were again before the Assembly, but without favorable action. Also, a proposition that President Joseph Caldwell, Prof. Mitchell and Prof. Olmstead should make a geological survey of the State and that they report observations on the climate and natural productions as well as the result of their survey, passed the House, but was defeated in the Senate.

Fulton un-  
satisfactory

There was some manifestation of dissatisfaction at the contract with Hamilton Fulton, and a new Board of Internal Improvements was chosen: Isaac T. Avery, Bartlett Yancey,

John D. Hawkins, Thomas Turner and Durant Hatch, Jr. It was at this session that Charles Fisher's proposition to establish a Literary fund for the use of public schools was adopted; and although some years had to elapse before the hope would be realized, yet a step forward was made. Charles Fisher again brought up the subject of a constitutional convention. The debate was continued during several days, but finally, the resolution was defeated in the House by 81 to 47, while in the Senate Mr. Williamson's proposition to the same end was lost 23 to 36.

Literary  
fund

House  
Journal, 87

The proposition to improve Roanoke Inlet now was in so much favor that a company was incorporated to undertake the work.

Roanoke  
Inlet

### The statue of Washington

Governor Franklin, on November 24, informed the Legislature that the statue of Washington had been transported to Boston on the U. S. Ship *Columbus*, Commodore Bainbridge, "to whose care and attention I am greatly indebted, particularly for its transportation from Boston harbor to Wilmington, where it now is." He was then concerting measures for its conveyance to Raleigh. The Assembly thereupon appointed a committee to attend to its transportation to Raleigh and to its being placed in position in the Capitol building. The statue was carried by water to Fayetteville. When it reached Fayetteville the State Architect, William Nichols, designed and constructed two special vehicles for its transportation to Raleigh, one for the statue the other for its base. These vehicles were drawn by many oxen, and the transportation was slow; but eventually the train approached Raleigh on December 24.

The proces-  
sion

The statue was temporarily left on the grounds of the Governor's mansion, and then with a great manifestation of public interest it was conveyed to the State House. A procession was formed, and as it started, a battery of artillery fired 24 guns, and the band played patriotic airs. The



Adjutant-General was in charge, and following the band were troops, citizens, members of the Assembly, heads of the departments, the Governor; Revolutionary officers, of whom Colonel Polk was designated to carry the United States Flag. Then came the vehicles with the statue and base, under the immediate care of Mr. Nichols. At the Capitol Colonel Polk made a brief address and the architect placed the statue in position in the rotunda designed for it.

The statue

While Canova regarded this work as the most important that could engage his great powers and while the execution was in his finest style; yet he seems to have indulged his genius and to have idealized his subject rather than adhered closely to the life mask with which he had been provided. Posterity knows Washington from the portraits made in his old age; Canova presented him as a younger man, his features not having the expression the world is familiar with.

It was a majestic figure in which were idealized the noblest qualities of mortal man; and, in its finish, it was one of the best examples of Canova's unequalled excellence in his art of perfect moulding and polishing his marble. That North Carolina possessed such a treasure gained for the State the admiration of America. It was the masterpiece of the sculptor's art and without an equal among the monuments of the world.

Holmes,  
Governor

Governor Franklin having declined a reëlection, Joseph Bryan, James Mebane, H. G. Burton and Gabriel Holmes were aspirants for the succession. Holmes, of the Cape Fear section, was taken.

Franklin now retired from public life and about a year later died at his home in Surry County. His mother was a sister of the Revolutionary patriot, Col. Benjamin Cleveland, and one of his sons, Meshack Franklin, was later a Representative in Congress.

The Uni-  
versity lands

North Carolina before the cession of Tennessee had set aside a certain territory beyond the mountains for the

location of Revolutionary land grants. Difficulties later arose concerning these grants. In 1792 Governor Benjamin Smith had given to the University 30,000 acres of land in Tennessee, and Maj. Charles Gerrard of Carteret County had likewise given it 2,560 acres, and the University was entitled to other lands by escheat. In 1819 Judge Murphey and Hon. J. H. Bryan were employed to look after the interest of the University, and they were reasonably successful.

The management of these western lands was now confided to a committee composed of the Governor, Col. Wm. Polk, Henry Potter, John Haywood, Archibald Murphey and Thomas Ruffin. Col. Thomas Henderson, editor of the *Raleigh News*, was employed as agent, and by October, 1821, he was able to turn over to the University, beyond his compensation, warrants for 147,853 acres. The lands were valued at about four dollars an acre. The University, however, met with further difficulties, but in May, 1823, it had the prospect of receiving \$164,230. Other warrants were in addition to these. This situation seemed to put the institution on a very substantial basis and gave a great deal of satisfaction at that period.

Battle: Hist.  
Univ., I,  
382, 387

### Water transportation

Governor Holmes, in his message, said that for several years we have had the services of an able engineer, who has explored our rivers, pointed out the obstructions to their navigation and given instructions as to how they were to be removed, a zealous and intelligent board, pushing the projects by all the means in their power, and still their progress has been so gradual as to be almost imperceptible. "The reason is obvious, we have not concentrated our money in sums sufficiently large to effect the objects to which it has been applied. . . . Had our limited funds been originally directed to a few points of primary and general importance, and not dispersed in small sums throughout the State,



the result would have been more beneficial to every section. . . . For instance, if the channel of the Cape Fear between Wilmington and the bar could have been deepened, so as to allow the passage of vessels without the aid of lighters it would have been better. But by dividing our strength so much in attempting to effect everything at once, we have effected comparatively nothing."

The Governor then turned from water transportation and dwelt on opening and improving the roads. He also urged that agriculture should be taught at the University that was now flourishing as never before, and he strenuously advocated the education of all the youths of the State. "Let us do something, however little; it may prove in time a grain of mustard seed."

House  
Journal,  
1822, p. 108

The Legislature having sought to inaugurate means of transportation, now in agreement with Governor Holmes gave some heed to improvement in agriculture. It established a Board of Agriculture to be composed of the presidents of the several county agricultural societies, and it appropriated \$5,000 a year for the promotion of agriculture and domestic manufactures. It provided for premiums for products, and for the publication and dissemination of reports and essays on agriculture. Agricultural societies had already been established in some of the counties, and now other counties fell into line and efforts were made to improve the agriculture of the State.

Board of  
Agriculture

The old English law that a debtor could be imprisoned for his debts had ever been in force in the State. In 1822, the Legislature, having regard to the obligations of contracts, but desirous of putting an end to that severe provision of law, passed an act that "Any honest debtor may surrender his property and not be subject to imprisonment for any debt contracted after May 1, 1823," and this was followed the next year by an act forbidding the imprisonment of any woman for any debt.

Imprison-  
ment for  
debt

The improvement of the rivers had been so unproductive of beneficial results and the salary and expenses of Fulton and his assistant, Brazier, had been so large, while the value of produce had fallen low and the people were in such distress that there was now a "necessity of offering a placebo to the public mind, a portion of which is now much irritated against the system" of river improvement; and it was therefore proposed by a committee investigating the conditions, that Fulton's salary be reduced \$500 and that a part of his time be allowed to other states. Altogether by December, 1822, Fulton had cost the State \$19,293 and Brazier \$5,067.

Fulton's  
salary

Fulton's salary had been over \$5,333 besides expenses. The House passed a resolution directing the board to reduce Fulton's salary to \$3,300, and if he declined to accept that, to give him six months notice and let him retire. Also a bill having been passed to improve the Cape Fear River below Wilmington, a memorial was prepared asking Congress to have that work done or to allow the State to levy tolls on commerce to reimburse the State for the expenses.

Senate  
Journal, 94

Among the leading men in the Senate were Duncan Cameron, J. J. McKay, Spaight and Seawell, and in the House were Robert Strange, Charles Fisher, A. H. Shepherd and D. L. Barringer. When the election for Senator came on, Governor Branch was taken.

Branch,  
Senator

### The Western Convention

The movement for a constitutional convention started by Murphey's report in 1816 had been revived at various times by members from the west. Duncan Cameron, Judge Mangum, John A. Cameron of Fayetteville and Charles Fisher were among those who introduced resolutions without avail. At length, in 1822, a bill was introduced to create the new county of Davidson out of the northern portion of Rowan, and it passed, there being no eastern county created at the time. This being done by the aid of eastern votes, raised a great clamor against the eastern men who



Biog. Hist.,  
IV, 330

The west  
elects dele-  
gates

House  
Journal, 128

had so voted. One of these was Senator William Miller, the former Governor, a man of sterling worth and a devoted patriot. At the next election he offered again for the Assembly, but his opponent, Gen. M. T. Hawkins, pressed the point against him, that he had sacrificed the east, that a convention could be called and controlled by the west, and "we would lose our Constitution." Miller was defeated and the other eastern members who had followed him in the vote shared the same fate. Indeed, the east was alarmed, for in the closing days of the session of 1822 a caucus of western members was held at which it was determined to hold a convention of those who were in sympathy with the west. Twenty-four counties sent delegates who met at Raleigh just before the Assembly convened in 1823. Gen. Montfort Stokes presided. For a week the convention sat, and proposed amendments to the Constitution. The proceedings were orderly and the proposition of the west might well have been agreed to. As the convention adjourned the Assembly met. As soon as it was organized Robert Martin of Rockingham offered a resolution in the House reciting the election of delegates to the convention and their action, and proposing to raise a special committee to report a bill to submit the proposed amendments to the popular vote. But the House did not take favorable action.

### **The Lutherans and Moravians**

The thousands of German Lutherans who had before the Revolution settled between the Yadkin and the Catawba were accompanied by their pastors, who in time died, leaving unsupplied vacancies—but in 1803, after the great religious revival, the synod was established, and in 1811 another revival was started and missionaries were sent out. Notwithstanding the emigration of many beyond the Ohio, the Lutherans maintained their organization—measurably conducting their services in German. And so had the Mora-

vians, who had zealously adhered to their faith and had multiplied their congregations. Both of these streams of settlers, making separate communities that in the practice of handicraft were self-sufficient, established centers of education that perpetuated their culture differentiating them from the usual settlements in isolated sections.

### **The Episcopalians organize**

On the the 5th of June, 1790, two clergymen, Rev. Charles Pettigrew and Rev. James L. Wilson, and two laymen met at Tarboro and held the first Protestant Episcopal convention and, in accordance with resolutions then adopted, a convention was held at Tarboro on November 12, following. At this meeting there seems to have been six or seven clergymen present and seven laymen. Annual meetings were provided for, but not held. In November, 1793, three clergymen and three laymen met and called a convention to be held the next May, when seven clergymen and nine laymen attended and a constitution was formally adopted. In 1807 Mr. Pettigrew died, and others having died, in 1815 there was no Episcopal clergyman in the State—and no convention met until 1817, when one was held by three clergymen and six or eight laymen at New Bern under Bishop Moore of Virginia, who had been invited to take charge of the diocese. Then others followed. The attendance annually increased until there were 25 parishes represented. It is to be remarked that the Lutherans and Episcopalians for some years sent delegates to each other's meetings. In 1823 the convention elected Rev. John Starke Ravenscroft of Virginia, Bishop, who accepted, and that branch of the Christian Church which had ceased to exist as an organization on the breaking out of the Revolution was again fully organized in the State.



**The first geological survey**

Acts 1823,  
Ch. 14

Under the stimulus of the necessity to have surveys made with the view of an intelligent understanding of conditions bearing on water transportation, Dr. Mitchell and Prof. Olmstead as well as Jonathan Price, who had made and published a map of the State, were employed in that work. To meet these expenditures and to pay its subscription for river improvements, the Legislature directed the issue of \$100,000 of State notes and, having started on the road to progress, it now directed the Board of Agriculture to have made a geographical and mineralogical survey of the State.

The board was authorized to employ a person of skill and science to make such a survey. For this \$250 a year was allowed. Denison Olmstead, Professor of Chemistry and Mineralogy was employed, and made a report, the first made of any state, and in 1825 he was made Director of the State Geological Survey. However, he soon resigned and returned to Yale where he became very distinguished in his profession. Thereupon the work was continued by Dr. Mitchell, who likewise made a report on the geology of the State.

House  
Journal, 118

When the Assembly met Governor Holmes, still pressing the subject of agriculture, urged the establishment of an experimental farm at the University.

Jetties below  
Wilmington

The contractors to erect jetties below Wilmington for river improvement were Richard Taylor and Edward Williams, but they employed Hinton James to do the work; the cost was to be \$15,000. James was the first student to enter the University and became an engineer. The Governor was highly pleased with the operations that promised very beneficial results. The Roanoke Navigation Company had extended the canal from the Great Falls to the Weldon orchard. From the orchard to the river there was a portage and the Governor recommended continuing the canal to the river. There was so much enthusiasm over

Canal at  
Weldon

navigation that now a proposition was seriously made for <sup>1823</sup>  
a canal from the Falls of the Neuse to Swift Creek.

The agitation for public schools, begun with emphasis by Murphey, had proceeded year by year, but the subject was considered less pressing than the transportation problem; now new impetus was given to it by the proposition that Congress should apportion to the old states public lands in the immense territorial domain of the Union. Besides, possibly, the Assemblymen were urged on by an object lesson in their sight at Raleigh, where the Female Benevolent Society, fostered by Gales, had already established a school for the poor children. Year by year additional interest was manifested, and now the scholarly Joseph A. Hill of New Hanover brought forward a resolution instructing the Committee on Education to report a bill for public schools, which was passed. The House seemed to be responsive.

Movement  
for schools

Free negroes had all along been required to do militia duty as other citizens, but now the attitude of the races became so changed that the question of prohibiting them from attending at musters was brought before the Assembly. However, the subject was not acted on. The Governor extolled the previous Legislature for its action in abolishing imprisonment for debt and urged a further amendment of the ancient law by abolishing "the cropping of ears" as a punishment, as his predecessor had done; and he likewise suggested that "whipping" be abolished and that the punishment for theft should not be equal to that for murder; and he again urged the establishment of a penitentiary.

Since 1815 the election of Presidential electors had been by a general ticket; now it was proposed to elect by districts, but unavailingly. And the western members again brought up their grievances to a deaf house.



The vestry of the Episcopal Church at Raleigh was authorized to erect a temporary building on the southwest corner of Moore Square for worship; but a motion "to adjourn over on the anniversary of the birthday of our Saviour" failed—yeas 7, nays 103, and that at a time when specie payments were suspended and there was much financial distress and much sickness throughout the State.

## CHAPTER XIX

### LAFAYETTE—CARLTON LETTERS

The Congressional caucus.—The People's Ticket.—Jackson and Calhoun.—Election by the House.—Clay elects Adams.—Clay's reason.—The era of good will.—The "New School."—The Cape Fear improved.—Free negroes go to Hayti.—Congress and State reject negroes for military service.—Ashe and Hill offer bills for schools.—The House appoints commissioners to prepare a plan.—The visit of Lafayette.—The agitation for public schools.—Sunday schools in Orange.—The schools at Wilmington and Raleigh.—The educated men.—Charles Hill's bill.—The Literary Fund.—The report of the Taylor Commission.—A new Board of Internal Improvements.—Fulton resigns.—The Legislature acts.—Emancipation propositions.—The Legislature to meet last Monday of December.—Judge Badger resigns, succeeded by Ruffin.—Fauntleroy Taylor Attorney-General.—Governor Burton urges better transportation facilities to cure emigration.—Vermont's resolutions.—The Legislature prohibits free negroes from settling in the State.—Roanoke Steamboat Company.—McRae's map.—Other publications.—The Geological Survey.—The gold fever.—The Carson-Vance duel.—The tariff question.—The Bill of Abominations.—Popular sentiment against governmental aid.—The Carlton letters.—Caldwell urges a railroad.—His wonderful excellence.—The North Carolina Institution for Deaf and Dumb.—Lotteries.—Governor Iredell.—Murphey employs Ney.—The Masons.

1824

1825

1827

#### The election of 1824

It had been the practice for twenty-four years for the Representatives in Congress to hold a caucus and recommend candidates for the presidency. But now the friends of some of the aspirants raised objections to that course. The aspirants were Adams, Crawford of Georgia, Calhoun, Clay and Jackson. The first three were in Monroe's cabinet; Clay had been the Speaker of the House, and Jackson was a military hero and then in the Senate; all but Adams were southerners and strong Republicans. Crawford was the favorite of most of the southern Rep-

1824



1824

The People's  
Ticket

representatives. He was also the favorite of the Assemblymen. But Charles Fisher was opposed to Crawford, and so he introduced in the House of Commons a strong protest and resolutions against a congressional caucus presenting a candidate for the presidency. This was debated with great interest; but it failed to be adopted by a vote of 46 to 82. It was aimed against Crawford, who was strong in the State, and before the Assembly adjourned his friends met and put out an electoral ticket for him; and, later, the friends of the other candidates put out "A People's Ticket," those named on it engaging by agreement to support in the college that candidate who stood the best chance of defeating Crawford.

The election  
goes to the  
House

On February 14 the congressional caucus was held at Washington. Macon and Conner of Catawba did not attend, although Macon was a supporter of Crawford. Indeed, not a fourth of the members attended as it was a movement for Crawford and the friends of the other candidates gave it no countenance. Soon afterwards Calhoun agreed to accept the vice-presidency under Jackson, who had developed great popular strength; and Crawford suffered a stroke of paralysis, and later became almost blind, so that his physical condition apparently incapacitated him. While the State was divided into fifteen districts, the election of electors was by the State at large. The People's ticket won by a vote of 20,177 over the Crawford ticket, which polled 15,396, and the electoral vote of 15 was given to Jackson. The entire popular vote as far as ascertained was for Adams 108,740, chiefly from the North, Jackson 153,544, Clay 47,136, Crawford only 46,618. In the electoral college Jackson had 99 votes, Adams 84, Crawford 41 and Clay 37. The election was thus thrown into the House, each state having a single vote. Clay could not be considered in the House, and he gave the vote of Kentucky to Adams, notwithstanding the legislature of that state had expressed a preference for Jackson. After a long struggle Adams was elected.

On retiring from office, March 7, 1829, Clay indicated that he was afraid that the military hero, Jackson, would seize the reins of power and become a dictator. "I thought I beheld in his election an awful foreboding of the fate which was to befall this infant republic."

Clay's  
Speeches, I,  
561

This was the era of good will, so in the Governor's address he said: "The general expressions of approbation which all parties are constrained to make of the present administration is an evidence of the wisdom and a proud comment on the justice and impartiality of our enlightened chief magistrate. His equanimity and liberal views have reconciled the two great contending parties, diffusing throughout the Republic mildness, concord and brotherhood."

Still there were divergences among the public men. The "new school," embracing Adams, Clay and their followers, wrote Mangum, "has taken the principles of the Old Federalists but press their principles much further; especially in the latitudinous construction of the Constitution."

The new  
school

1824

Governor Holmes's three years had now expired, and nominations for a successor included Hutchins G. Burton of Halifax, Montfort Stokes, Alfred Moore, Simmons J. Baker and Isaac T. Avery. Several ballots were taken and at length Burton was chosen.

Burton,  
Governor

Governor Holmes reported that the principal work of Mr. Fulton and the Board of Internal Improvements as to rivers had been confined to the Cape Fear River; that "below Wilmington the result was excellent, and that steamboats now ran 60 miles above Wilmington at the lowest water, and within a year they are expected to ply to Fayetteville at the lowest water." But while expecting similar improvement in all the rivers he urged the importance of good roads. Likewise, he again urged reform of the criminal laws and the opening of public schools. He mentioned that the great number of slaves lately emancipated had led to a considerable emigration to Hayti, and

On the  
Cape Fear



Negroes not  
soldiers

he suggested that the State should be protected from any return of these negroes; but it was considered that the existing law was sufficient. The negro question had found its way also into Congress. Should free negroes be soldiers? Congress passed an act excluding them from bearing arms as soldiers, and the Legislature in conformity now directed that the names of free negroes be stricken from the militia muster rolls. Such was the beginning of an interesting question, was a negro a citizen? In North Carolina, at least, he could vote, when free.

Ashe's Bill

House  
Journal, 28

Ibid., 138

Quickly following the meeting of the Assembly, Sam Porter Ashe offered a resolution for the establishment of schools for the education of the poor; requiring the Committee on Education to report a plan for a permanent fund and to report a system for such schools. And in the Senate, Charles A. Hill of Franklin reported a bill of like tenor that passed the Senate 38 to 16. The House was, however, averse to such action; nevertheless, in the closing days of the session the House passed a resolution appointing Chief Justice Taylor, President Caldwell, Judge Duncan Cameron and Peter Browne commissioners to prepare a plan or system of public instruction of poor children, and report the same to the next Assembly.

The legislation of previous years had proved effective, and numerous agricultural societies had been formed in the counties; and now the Assembly extended the act of 1822 for two years longer.

Nor was the Assembly indifferent to the health of the people. In 1824 an act was passed to prevent the introduction into communities of contagious diseases, and investing the local authorities with power to take all precautionary measures.

### Visit of Lafayette

Great interest was felt in the proposed visit of Lafayette. Governor Holmes dispatched Gen. Robert R. Johnson to

## VISIT OF LAFAYETTE

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wait on Lafayette at Yorktown and formally invite him to visit the State; and it was understood that the General would arrive at Raleigh about December 20. The Assembly therefore appointed a committee to attend the honored guest, and an appropriation was made to meet the expenses. But the movements of the General were so far different that he did not cross the North Carolina line until February 27, 1825. He was met at Northampton Courthouse by Chief Justice Taylor, Col. William Polk, Gen. William Williams of Warren, Col. J. G. A. Williamson of Person, General Daniels and Major Stanly, representatives of the State for that purpose. He was received with much warmth there and also at Halifax. On approaching Raleigh on March 2, he was received by Captain Ruffin's company of Blues and the Mecklenburg troop of cavalry. He was entertained at the Governor's mansion by Governor Burton. He was later conducted to the State House where he viewed the statue of Washington; and there he was addressed by Colonel Polk in behalf of the citizens of the town, and the ovation given him at the State's capital was as perfect as could be desired. Accompanied by his son, George Washington Lafayette, after two days passed at Raleigh, he took the route to Fayetteville, escorted by the Mecklenburg cavalry and the delegation appointed by the State for that purpose. Fayetteville had been so named in his honor: a circumstance that appealed to him, and his visit there was greatly enjoyed. Ten miles from Fayetteville he was met by the Fayetteville companies, and at Clarendon bridge by the mayor and commissioners, and a procession was formed of the troops, and amidst the joyful roar of artillery he was escorted into the town named in his honor many years earlier. There was a great demonstration in token of the admiration and affection of the citizens; and then the General had to hurry forward to Cheraw where he was to officiate in laying the cornerstone of the monument to the heroic DeKalb, who fell there in defense of North Carolina. At that time,



as described by the Rev. Robert C. Belden, the General was "somewhat corpulent, above medium stature and broad shouldered." He evidently retained his vigor well. The son, George Washington, was a fine specimen of a man, well proportioned, graceful in carriage and of easy manners. He had earlier passed some time in this country and was familiar with our American customs.

### **The first step for public schools**

1825

The agitation for the public schools was continuous, but the subject was considered less pressing than that of improving transportation facilities, and it is noteworthy that the members of the House of Commons representing manhood were not so eager to adopt a system as those of the Senate representing property. Annually the Governors urged the establishment of public schools, and bills would be introduced in each House. Sometimes the Senate would act favorably on such measures, but the House would reject the bills. At length at the session, November, 1822, an impetus was given to the subject by a movement among some of the original states to have Congress apportion to them a part of the public domain for an educational fund, as was the settled policy and practice with regard to the new states. A strong and urgent memorial to that end was drawn to be presented to Congress and communicated to the other states requesting their coöperation. Should that succeed, the object would be accomplished; but Congress took no action. In the meantime, the benevolence of communities began to find expression. In 1817 there was formed at Wilmington a society, of which Eliza Lord was the head, to secure to poor children and destitute orphans a moral and religious as well as a common school education. A few years earlier Sunday schools had been started in England at which poor children were taught to read and write and given religious instruction, and such schools were

Sunday  
schools

begun in some of the states, and in some of the counties of this State. In a memorial to the Assembly in 1825, it was stated: "The Sunday School Society of Orange County has under its care twenty-two schools, in which are instructed from 800 to 1,000 children, many of whom, the children of the poor who would otherwise have been brought up in utter ignorance and vice, have been taught to read and write and trained to habits of moral reflection and conduct." The memorialists asked for twenty-five cents for every Sunday learner in that county and for all the other Sunday schools in the State. Among the memorialists were Judge Webb, Judge Norwood, Judge Nash and others distinguished in public and civil life. While taught on Sunday, the lessons were in the three R's. In Orange

At Raleigh there was a school where some fifty children were taught. These were not merely instructed on Sunday but regularly five days during the week. The society that maintained this school purchased materials which poor females were employed to spin and weave, the clothes being sold for the use of the society, and a school was kept for the instruction of the children. But notwithstanding these and similar object lessons in other parts of the State, and notwithstanding the urgent appeals of the press, all propositions to raise funds by taxation or otherwise for common school purposes had been regularly defeated. At Raleigh

### The public men

At that period there was no lack of great, strong men in the State. Some of the Revolutionary patriots still lingered on the stage and there was a bevy of younger men of particular merit. Judge Duncan Cameron stood high among them; Chief Justice Taylor, Gaston, Iredell, Murphey, Ruffin, the Hendersons, Mangum, Badger, Meares, Bedford Brown, Strange, the Hills, Hawkins, Wilson, Caldwell, Henry, Edmund Jones, Morehead and others were men cast in a superior mould; nor should it be assumed that



Attendance  
on academies

the absence of public education caused a blight upon the intelligence of the public men. North Carolina had not been different from the other states. Her sons were equal to the best. She stood well abreast of the other states in the matter of higher education. The census shows that in 1840 she had 8,335 pupils in the academies and colleges. Allowing a four years course, every year 2,000 young men entered upon the activities of life and aided in diffusing general intelligence; and similarly, among the mothers. Indeed it was said in 1824, "Perhaps we have in our State more schools for the languages and sciences than the circumstances of the country call for."

Educational  
fund

When the Senate organized in 1825, Charles A. Hill, W. M. Sneed, Geo. L. Dawson, Edmund Jones and M. T. Hawkins were appointed the Committee on Education and Primary Schools. They soon reported a bill providing for a fund for the establishment of public schools, vesting the same in a literary board created by the act. The fund embraced certain dividends, the unexpended balance of the agricultural swamp lands, twenty-one hundred dollars in cash, and some other resources. When the accumulation should be sufficient the proceeds were to be used for schools. This bill passed both Houses, but while it was a beginning of an earnest endeavor for public schools, years were to pass before the income was sufficient for any practical purpose.

1825

The plan  
reported

At that session a report was made by the commission appointed the year before to prepare a plan of public education. It was a well considered plan, proposing that the justices of each county should borrow money for the purpose and lay a tax to meet the interest, but as yet the Assembly was not ready to lay a tax for the education of the poor. Nor would they appropriate money to promote literary efforts; when aid was desired for the publication of a history of the State by Judge Murphey, they instead authorized him to have a lottery. At that period the taxes were low and the

aversion to taxation was positive. In February, 1827, Mr. King of Iredell introduced a bill for the encouragement of Sunday schools as follows: "Whenever a Sunday school is established the object of which is to instruct poor and indigent children in the art of reading and writing, the Treasury was to pay twenty-five cents for each child." But the bill failed. On the other hand, a bill was offered to repeal the act establishing the Literary Fund. However, on this an adverse report was made by Morehead, chairman. Morehead declared that "states having the means at command are morally criminal if they neglect to contribute to each citizen that individual usefulness and helpfulness which arises from a well-cultured understanding. . . . Your committee believe that it is the duty and the interest of North Carolina to instruct that part of her population who do not possess the means of acquiring a useful education."

### **Taxation**

The valuation of lands and property was left to two appraisers appointed each year by the justices of the county, and a magistrate. The owner gave in a list of his property. The State tax was six dollars on the hundred acres. The county justices levied such taxes as they thought necessary.

### **Transportation**

The efforts to improve water transportation had been disappointing. Nearly half of the Assembly and a large proportion of the inhabitants felt aggrieved at the salary paid to the engineer, Fulton, and at every session there were propositions to reduce it which such able and far-sighted leaders as Judge Cameron were able to defeat, leaving it to the board to manage the matter. Finally, in 1824, the attack took a new turn and entirely new members were elected to compose the board. James Iredell of the

1825

Fulton re-  
tires



Albemarle section, Edward B. Dudley and Col. Daniel M. Forney of Lincoln County were elected and, with the Governor, were now to have control of internal improvements. This action was based on the complaint that much money had been unnecessarily expended and the works were improperly conducted. Mr. Fulton thereupon resigned. But the Assembly had hopes of improving the rivers without his aid, and it directed that a steam dredge should be bought and \$6,000 was appropriated to clear out the flats below Wilmington; and the Cotton Plant Steamboat Company was incorporated to run boats on the Cape Fear. But thoughts now turned to the highways and the Board of Internal Improvements was urged to further the construction of turnpikes even by subscribing in some cases one-half of the necessary stock.

### **Emancipation**

1825

House  
Journal, 100

The Governor laid before the Assembly resolutions proposed by Ohio "for the gradual emancipation of slaves and the colonization of free people of color" which had been highly approved by the Legislatures of Indiana, Delaware, Connecticut and Illinois. In regard to this proposition, the Governor made but a single remark that he indulged the hope that the nonslaveholding states will shortly learn and practice what has familiarly been termed the Eleventh Commandment: "Let every one attend to his own concerns."

Similarly a proposition to repeal so much of the act of 1741 as required that negro apprentices should be taught to read and write was defeated, the Legislature adhering to its position taken in 1818, when William B. Meares of Wilmington offered a bill "to prevent all persons from teaching slaves to read and write, the use of figures excepted," and it was defeated. The Quakers at their annual meeting in the fall of 1825, resolved to inaugurate a movement to remove the colored people held by them that were willing to leave this country. Their effort had this result:

120 went to Hayti, 316 to Liberia and 100 to Ohio and Indiana. They were to sail from Beaufort in June, 1826. The society had earlier sent off 64 to Ohio and 58 to Liberia.

In June, Judge Badger, after four years on the Superior Court bench, resigned and Thomas Ruffin was appointed by Governor Burton to fill the vacancy temporarily. The Assembly at its session elected him. While he had earlier served two years, this return to the bench marked the beginning of a judicial career of unrivaled luster in the State.

Judge Ruffin

1826

On January 2, 1826, William Drew of Halifax, having served six years as Attorney-General, was not a candidate for reëlection. James F. Taylor, Daniel L. Barringer and G. E. Spruill were in nomination. Mr. Taylor was elected. He was originally of Chatham, but having moved to Wake, was in 1823 a member of the House from that county. He had married Miss Manning who had been a member of the family of Judge Gaston's mother and on her death a member of Chief Justice Taylor's household; so, although there was no connection between the two Taylors, Judge Gaston was intimately associated with the two Mesdames Taylor.

Fauntleroy  
Taylor

As the date for the meeting of the Assembly was not entirely satisfactory a change was now made. The next meeting was to be on the last Monday in December, and thereafter it was to be on the second Monday in January, but that was not found convenient and was discontinued.

Governor Burton, in his message, made reference to the disastrous year, the result of a severe drought, saying that "the chastening hand of an all wise Providence has come heavily on particular sections of our State." He strongly urged primary public education and then in connection with internal improvements, said: "We all know that in particular sections of the State, the greatest distress is at present apprehended among the poorer classes of our citizens from the deficiency of the various crops." He urged "Facilitate intercourse between the different sections of the State. . . . Open your water-courses, repair your old roads and make

A bad year



Emigration new ones, then the failure of crops in some few counties would not have the effect of thinning a population already too much scattered and diminished. . . . What can stay the tide of emigration now flowing to the west but the improvement of our own State?" Indeed emigration was directly attributed to the want of facilities to get products to market, the cost of transportation being more than the market value.

Outside interference Vermont had adopted a resolution that "slavery was an evil and that Vermont would concur in any measure adopted by the general government for its abolition that would be consistent with the rights of the people and the general harmony." With regard to this, the Governor "deplored outside interference, as tending to incite insurrection and resulting in a reversal of the prevailing policy at the South of ameliorating the condition of the negroes," and he suggested that as other states were now prohibiting free negroes from settling in them, so should this State in self protection, do the same. The Assembly in response passed an act prohibiting free negroes from settling in this State, and it declared "All free mulattoes descended from negro ancestors to the fourth generation inclusive, though one ancestor in each generation may have been a white person, come within the meaning of this act."

What is a negro?

Progressive steps Public roads were directed to be laid off, among them the State road in Surry County and in Wilkes County from Lincolnton to Rutherfordton and from Salisbury to Lincolnton. Money was appropriated for the Clubfoot Canal and for the Cape Fear River, and a charter was granted to Cadwallader Jones and others for the Roanoke Steamboat Company to build steamboats to ply on the sounds and Roanoke River, and the New Bern Marine and Fire Insurance Company was incorporated.

Dec. 1826 The Assembly had met on the last Monday in December, which that year was Christmas Day. The Governor and State officers had been elected in November for one year and

the year had passed. At the outset, the Governor submitted the question to the Legislature as to the validity of all official acts during December, but the Assembly answered only by reëlecting him to be Governor.

John McRae of Fayetteville prepared in 1826 a map of the State, five miles to the inch, being 6 feet 9 inches by 3 feet 6 inches. Each county was separately executed by R. H. B. Brazier, with the assistance of gentlemen of science in the different parts of the State and revised by the several county surveyors. On December 18, 1826, McRae announced in the *North Carolina Telegraph*, a religious and miscellaneous weekly, published at Fayetteville by Robert H. Morrison, the editor, that "from the returns already received he believed that there would be a subscription of not less than 1,000 names—the price to new subscribers was \$10. Morrison, the publisher of the *Telegraph*, in December, 1826, announced as just published at the Telegraph office "Spiritual Hymns in the Gaelic language by Patrick Grant, the title in Gaelic being Spioradail Uuadh Dhain Padruing Grand." Later, Mr. Morrison became the president of Davidson College.

1826

State map

Hymns in  
Gaelic

### The geological survey

Professor Olmstead at first made the geological survey required by the directions of the Legislature, but on his resignation Dr. Elisha Mitchell carried on the work; parts I and II of the report being by the former and part III by the latter. In the performance of this duty Dr. Mitchell made several trips throughout the State. A diary of his journey over the State in the winter of 1827-28 has been preserved.

1827

Sprunt  
Mon., No. 6

In 1829 Dr. Mitchell made an additional report, and he then published a textbook "Elements of Geology with an outline of the Geology of North Carolina"; and also an essay on "the character and origin of the low country of North Carolina."



This work by Prof. Olmstead and Dr. Mitchell was the first comprehensive geological survey made by any state, and while reflecting high credit on the eminent men who executed the work attests the intelligent and progressive spirit and wisdom of the public men of that period.

### **The gold fever**

1827

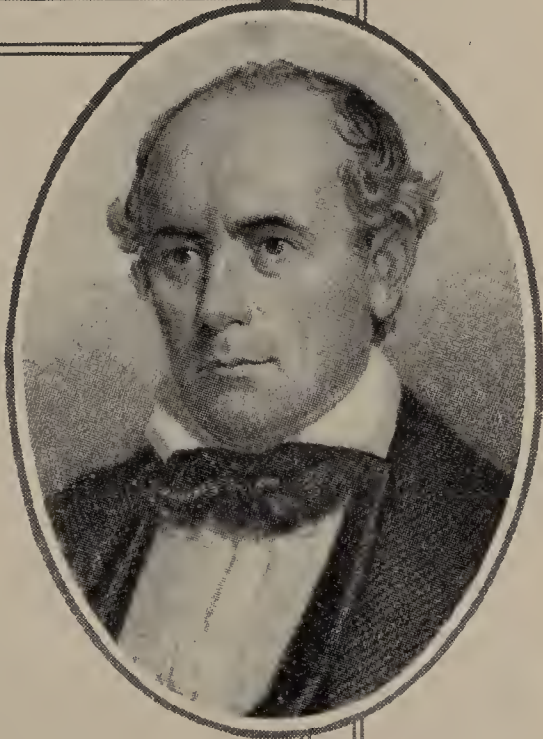
In the early years of the century gold had been found in Cabarrus County, and the result of the geological surveys gave some impetus to the search for the precious metal. Here and there mills for washings had been put in operation and in 1827 Nathaniel Bosworth, knowing Murphey's interest in the subject, informed him that his plant in Montgomery County was in satisfactory operation and that he employed about 80 men. However, Bosworth's efforts do not seem to have resulted favorably. Still, elsewhere others were mining and washing for gold. Two years later Monsieur Dauverges, a French chemist, was brought from Philadelphia to examine into the value of the mines, and Murphey was with him at the Gibson mine, in Guilford County, which later Murphey and Jonathan Worth worked for a year; and Murphey proposed to wash for gold on his Haw River plantation, where it was said there were three gold mines. At that period the gold fever was abroad in the central and south central parts of the State. Many persons flocked to the supposed gold regions, and some of the planters even carried their negro men there to engage in the work. The excitement continued a year or two; but the results were very disappointing. However, interest in the natural resources of the State was aroused.

### **The Carson-Vance duel**

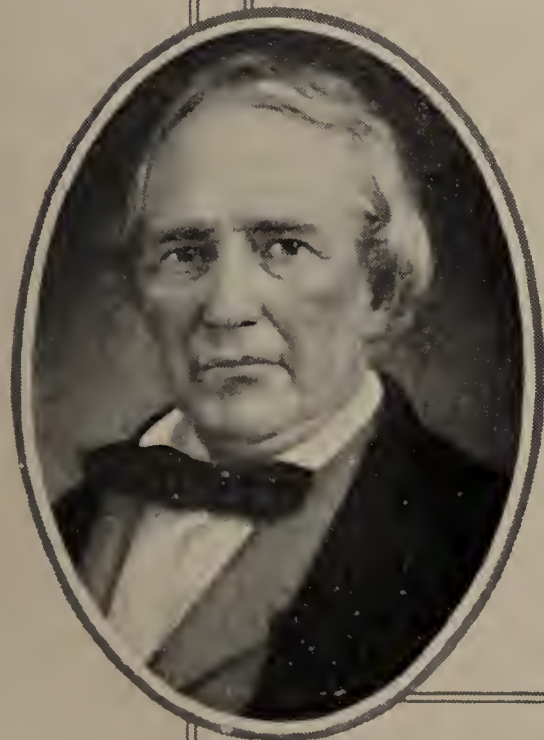
On November 6, 1827, at Saluda, across the South Carolina line, occurred a fatal duel that stirred the west as much as the Stanly duel had stirred the east. Dr. Robert Brank Vance had served a term in Congress and on seeking



1



2



3



4

1. Archibald D. Murphey
3. Edward B. Dudley

2. Elisha Mitchell
4. William Gaston





a reëlection was opposed by a young man, who, however, had served two sessions in the Legislature, Samuel P. Carson. Vance was much the elder, but the young man was successful. At the next election, 1827, Vance opposed Carson and on the stump mentioned that Carson's grandfather had been untrue during the Revolutionary war, in fact a Tory. Carson made denial and challenged Vance. At the meeting Vance fell. Carson, who had been successful at the polls, continued in Congress until 1833. The Vance connection was very prominent and the fatal duel left much heartburning for many years.

### The tariff

At first, revenue had been the object of the earlier tariff laws; and whatever protection was afforded to manufacturers was merely incidental. But by 1824 the demands of eastern manufacturers for protection and of western communities for internal improvements led to the adoption of the American system fathered by Henry Clay, a western man; and the protective measure of that year was adopted by a majority of five in the House and of four in the Senate, Daniel Webster, at that time a freetrader, being against it.

The interests of Massachusetts had been more with commerce than with manufactures, and besides she had seen Ohio, Indiana and Illinois attract her population. During the decade ending 1830 the population of those three states increased 660,000, while that of Massachusetts increased but 87,000. Unable to stem the tide of emigration, and her manufactures becoming more important, she changed her economic attitude and embraced protection.

In July, 1827, a convention was held in Harrisburg, Pennsylvania, which favored protecting every industry.

Webster and Massachusetts now coöperated with Clay, and in May, 1828, a new tariff law was passed, known as the Bill of Abominations because of its provisions that were

1827

The first  
tariff con-  
vention



1827

declared by its opponents to be monstrous. It was that bill that aroused the Republicans at the South in the ensuing presidential campaign against the Adams administration. In some of the agricultural states it occasioned talk of dissolving the Union, and in South Carolina, where Calhoun was all-powerful, the opposition was very violent. But Clay adhered to his system. When Jackson was defeated in 1824, by Clay's action in the House, he had charged that Clay had made a corrupt bargain with Adams; and Clay was now at points with General Jackson, and the adherents of Adams and Clay, while still asserting that they were Republicans, called themselves "National Republicans."

Opposition  
to the "New  
School"

At the election, August, 1827, the feeling in the State was with Jackson and against Adams and Clay. The "New School" with its adherence to the high tariff and internal improvements was hotly met at the meetings. Nor was there kept in mind the distinction between the State's promotion of its own internal improvements and such action by the United States; there arose objections to both. Among the contestants for Congress was Archibald D. Murphey, who sought to succeed Barringer. A supporter, writing to him from Wake just before the election, remarked: "If it was not for one circumstance, that of internal improvements in the State, you would beat him (Barringer) three to one in my neighborhood, but it is hard to make a great many of the people understand the difference between improvements by the State and that by the United States." Senator Macon was ever opposed to any improvements by the State.

Such was the general tone in the State when in September, 1827, J. F. Caldwell, President of the University, began the publication of a series of letters, addressed to the people, on the subject then entirely new and novel—the construction of a railway by the State from New Bern to the mountains. At that time there had been quite a number of railways constructed in England to haul coal from the

mines to some shipping point, but none as much as ten miles in length, and all operated by horses; and there were a few on the continent for similar purposes. In this country, a road three miles long had been begun in 1827 at Quincy, Massachusetts, to haul granite; and in Pennsylvania a road five miles long to haul coal was also begun in 1827. In South Carolina there was a road from Charleston into the interior also in use; but all without locomotives. Other than these, there were no such aids to transportation in the United States when Dr. Caldwell began his series of letters, which reached eleven numbers before the meeting of the Assembly. For intelligent apprehension of the problems involved; for clearness of views and a thorough understanding of a subject at once novel, difficult and important, these letters published as "The Carlton Letters" are a marvel of excellence. They deserve to stand on as high a plane of literary accomplishment as the celebrated reports of Hamilton or Jefferson or any of the famous men of that generation. Indeed, it is to be said that they constitute a wonderful achievement, reflecting high credit on the State, perhaps unrivaled in any other American commonwealth.

Carlton  
Letters

Twelve years had elapsed since Murphey and his coadjutors had started the scheme of improving water transportation and constructing highways through the western parts of the State. The navigation of the Dan and Roanoke had been brought to a high state of usefulness and that of the Cape Fear to most gratifying efficiency. The Catawba and Yadkin had been opened, and nearly every stream in the east had been improved; while the Clubfoot and Harlowe Canal connected the waters of the great sounds with the ocean at Beaufort harbor. Much benefit had accrued, but still, save at Fayetteville, no great market within the State had resulted. The natural tendency of our farm products to seek markets in Virginia and in South Carolina continued, and the profits of our important trade went into the pockets of the merchants of the neighboring states.



1827

North Carolina was not reasonably benefited by the industry of her people. Much had been done for water transportation, but still the obstacles to industrial prosperity generally remained. Dr. Caldwell conceived the design of rescuing the interior of the State from its condition; of providing transportation for the products of the west to some North Carolina port, where vessels would bear them to the Mediterranean Sea, to Europe, to the islands at the south as well as to the markets of the northern states.

The railroad

While our people knew of the benefits of the canals in England, in New York and elsewhere, they had heard but little of a railway. Nowhere else in the world had such a railway as Caldwell now proposed ever been designed. It was to start at New Bern, come to Raleigh, and then go westward, about fifty miles distant from each of the northern and southern boundaries of the State. Nearly every farm was to be within a day's journey of the road. Along the line of the road the produce would be laden on the railway carriages and carried to New Bern where, transferred to barges, it would be conveyed by the canal to Beaufort and shipped abroad. Already a steam locomotive had been devised in England; but there were none in America. Horses were to draw the carriages. Dr. Caldwell figured that it would cost thirty-seven cents to the poll for seven years and the work would be completed. Every detail he considered fully in his remarkable series of letters. He hoped that the Legislature would authorize a beginning, but when the Legislature met Charles Fisher, while agreeing to the general argument of Dr. Caldwell, made a different proposition. The Yadkin was open to the Narrows. For a hundred miles the produce of the Yadkin Valley was for easy transport on the bosom of that placid stream; and the project of Murphey for a canal having fallen through, Fisher proposed a railway from the Narrows to Fayette-

House  
Journal, 140

ville. Then Nathan G. Smith of Chatham, following the suggestion of Dr. Caldwell, proposed a road from Beaufort to Salisbury. Both propositions were referred to a committee, and nothing followed.

Quite a number of persons in this State having associated themselves together for the instruction of the deaf and dumb and to establish an asylum for the reception and instruction of these unfortunate persons, they were incorporated under the name of the North Carolina Institution for the Instruction of the Deaf and Dumb. Ibid., 154

The former Legislature having directed a commission to reports plans for a penitentiary and for an asylum for idiots and lunatics, the Governor now communicated such plans, but the time was not yet ripe for action, and the plans were ordered to be deposited in the library for future use. 1827

There were transportation companies chartered for Haywood County, another to run from Buncombe to Burke, and another known by the name of the Smoky Mountain Transportation Company, the State being a stockholder.

In Elizabeth City there was enough business for the formation of a marine insurance company. In several counties there were library companies authorized, and the State Library was directed to let Hardy B. Croom have the use of Lawson's History for twelve months to republish the same with notes.

The Assembly, desirous of promoting laudable objects without taxing the people, resorted to lotteries that were then much utilized, even for religious purposes as well as for other objects.

Judge Murphey had been engaged in preparing a history of the State and it was commonly understood that the publication of a history was casting bread on the waters with no hope of any return. To be helpful to this distinguished public man in his great endeavor, the Assembly passed an



act authorizing the Treasurer to have a lottery to raise \$50,000, one-half of the proceeds to be for the Literary Fund, and the other half for the use of Murphey in publishing his history. The lottery was to be sold to brokers or others who might purchase the right to hold it. For some reason there were no purchasers, so the scheme fell through.

Lotteries

Jefferson,  
Vol. IX

There was also an act giving authority to the Board of Internal Improvements to have a lottery to raise \$50,000 to survey and drain swamps and to improve the health of certain counties in the eastern part of the State; and Senator Henry Seawell from Wake, offered a resolution instructing the Committee on Education to inquire into the expediency of raising \$630,000 by lottery, ten thousand dollars to be given to each county for establishing public schools. Lotteries, argued Jefferson, when applying to the Virginia Legislature for one to be authorized for the aid of his proposed university, are not more subject to chance than the pursuit of agriculture. The propriety of their use was a common sentiment.

1828

Iredell,  
Governor

This being Burton's last year, James Iredell was elected Governor.

It was at this time that Murphey engaged the services of a man who had taught school in the western counties, known as P. S. Ney, and who proved efficient and helpful to Murphey.\*

Murphey's health now became bad. Some of his speculations in land turned out disastrously. At the August election, 1827, he offered for Congress against Barringer, both being supporters of General Jackson, but he was defeated. His proposed history was never completed.

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\*The real name of this man Ney was Neyman. He was a Scotchman.

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The Masons had for years been active in North Carolina,<sup>The Masons</sup> and among them were many of the most honored patriots of the State. Sam Johnston, Richard Caswell, Davie, Col. William Polk, Chief Justice Taylor, Judge Hall, Governor Benjamin Smith and Robert Williams were the Grand Masters up to 1813, and equally distinguished were their successors; while the roll of members contained the names of the most choice spirits of the commonwealth. Therefore when an anti-Mason party arose at the North it made no impression in North Carolina.



## CHAPTER XX

### AN ERA OF PROGRESS

The presidential election.—Jackson successful.—His citizenship and manners.—Character.—His inauguration.—Iredell's message.—New conditions.—Cotton and woolen factories; other enterprises.—Iredell and Branch Senators.—Owen, Governor.—Congress agrees to improve the Cape Fear.—Fauntleroy Taylor dies.—Death of Chief Justice Taylor.—The banks in trouble.—Branch Bank of United States.—Robert Potter.—Gaston.—Potter's popularity.—His crime and death.—Fisher's diatribe.—Ruffin restores confidence.—Macon.—His influence.—Death of Yancey.—Federal patronage.—Death of Murphey.—Governor Owen's progressive message.—The Internal Improvement Convention.—The Assembly responds.—Sheriffs and clerks to be elected by the people.—Bedford Brown Senator.—Henderson Chief Justice.—Macon County.—Ruffin on Supreme Court.—The Donaldson industrial school.—The tariff.—The State's non-action.

#### The presidential election

1828

Attitude  
of Gales

When the presidential election of 1828 was approaching the friends of Adams and of Clay, the adherents of the American system, those who supported the high tariff measures and the internal improvements policy of the administration, stood for the reëlection of Adams. But Jackson, declaring that the popular will had been defeated by a corrupt bargain between Clay and Adams in 1824, was very active in rallying the opposition. Great popular interest was aroused throughout all the states. In North Carolina nearly all the public men were for "Old Hickory," and against the "New School" as those were called who advocated a latitudinous construction of the Constitution. Colonel Polk, Badger, Mangum and nearly all the old Republicans were for Jackson, but Gales, so long the leading Republican editor, was not. In 1820 when the Legislature had pronounced against the tariff, Gales had registered a strong dissent. And his action was in conformity with his principles. He had stood for home manufactures, and in 1808 he had established a paper mill on the Neuse: and had

ever urged domestic manufactures. At the previous election he supported Crawford, the caucus nominee, who, indeed, had a large following in the State; but he was no longer in line with the Jefferson Democracy.

By November all doubts of the result of the election were allayed. Jackson was successful by more than two to one in the electoral college. While New England gave all her votes but one to Adams, the West offset that; and the South voted solidly for Jackson, as did Pennsylvania; only New York and Maryland divided. It was the death knell of the political supremacy of Massachusetts. Virginia and the South and West wielded the power of the Union.

Some question has arisen as to Jackson's nativity. It is not important whether his mother happened to be on the north or south side of the line dividing the Carolinas when he was born. The Waxhaw settlement embraced the neighborhood and extended into both states. His parents came from Ireland in 1765 and settled in Waxhaw. Two years later he was born in North Carolina. All through youth he was in North Carolina, a North Carolina boy. It is said he taught school, and studied law in North Carolina, was a resident and voter of the State, admitted to the bar by Judge Ashe, as a citizen; held office as a citizen; never breathing any other atmosphere, until Tennessee, North Carolina's daughter, became a state.

Jackson

After he became President, his political opponents assumed towards him an air of superiority. He had not had their training. He was a resolute, determined man: but in manner, in personal bearing, he was so deferential, so gentle, so courteous, that Mrs. Seaton wrote: "General Jackson appears to possess quite as much *suaviter in modo* as *fortiter in re*. He is indeed a polished perfect courtier in female society, and polite to all." And Senator Iredell wrote to Ruffin: "I have seen General Jackson and am much pleased with his manner and address. They are decidedly those of a well-bred gentleman, and I do not know that I could give him a higher character." While a man of decision, he held lofty views and had correct principles; and he was free from insincerity and duplicity: nor was he lacking in edu-

Biog.  
Seaton, 161

Ruffin  
Letters, I,  
433



1828

cation. He had been educated in youth, a judge of the Supreme Court of Tennessee, had served in the Senate, and had been Governor of the Territory of Florida.

Seaton, 195  
Biog.

The campaign had been waged on such issues that Jackson was stigmatized as an enemy to society. And indeed at his inauguration all social traditions were trampled under foot. "It was the people's day, the people's President, and the people would rule. . . . When the President's address was concluded, the barricades gave way before the multitude, who forced a passage to shake hands with the choice of the people. General Jackson mounted his horse, having walked to the Capitol, and then such a cortege followed: countrymen, laborers, white and black, carriages, wagons, and carts all pursuing him to the President's house. . . . The closing scene (within the White House) was in disgusting contrast with the simplicity of the impressive drama of the inaugural oath." And so it came about that "party spirit is now fiery hot and will increase every day." Of Jackson's particular admirers it was said: "In our opinion General Jackson is infinitely superior in magnanimity and other good qualities to his friends. They are outrageous and would willingly trample under foot and massacre all who do not bow the knee to Baal." Such was the beginning of a new era in political affairs at Washington.

### In the State

In his message to the Assembly Governor Iredell mentioned the exuberant harvest, the great improvement in conditions, and "but few offenders of an atrocious nature." He dwelt on the tariff act recently passed, and urged the Legislature to protest against it, and against "the American system."

He urged as all his predecessors had done both education and internal improvements; and "on the subject of railroads, which have excited much interest in this State," he said that an experiment had lately been commenced to connect the waters of the Ohio with the city of Baltimore, and he suggested the construction of a railway from Campbellton to Fayetteville, as a trial and test.

The conditions in the State were now better than the year before. A greater spirit of enterprise prevailed. There were applications for business incorporations that bespoke an inclination to associate capital and enter on manufacturing.

Progress

The Leakes and Crawfords of Richmond were granted a charter under the name of Richmond Rockingham Manufacturing Company, with a capital of \$30,000, to manufacture cotton and woolen goods.

Cotton mills

Hugh McCain, Jesse Walker, Benjamin Eliot and Jonathan Worth formed the Randolph Manufacturing Company for cotton and woolen goods, with a capital of \$50,000.

William A. Blount, John Myers, William Ellison, with \$20,000, formed the Belfort Cotton Manufacturing Company to operate on Tranter's Creek.

Joel Battle, Edmond McNair, David Clark, David Barnes, B. M. Jackson, Theophilus Parker, Peter Evans, William Plummer were incorporated as the Edgecombe Manufacturing Company with a capital of \$200,000 to manufacture cotton, flax and hemp; and Henry A. Donaldson, Louis D. Henry, John Riley, Hugh McLaughlin, John M. Dobbin, formed the Fayetteville Manufacturing Company, \$50,000 capital, to manufacture cotton, hemp, wool and flax. Peter P. Smith, Anderson K. Ramsey of Chatham, Alexander Gray and Hugh Moffat of Randolph, Daniel McNeil, Guidon Seawell of Moore, James Mebane, John Stockard of Orange, put in \$15,000 to form the Iron and Casting Manufacturing Company in Chatham County. And gold mining was attractive. The North Carolina Gold Mining Company was organized "to work gold mines more extensively than heretofore and with better machinery." Both the Cotton Plant Steamboat Company and the Henrietta Steamboat Company were organized at Fayetteville; each with the authority to build additional boats, and a company was formed with \$100,000 capital to clear the channel of Ocracoke Inlet, and improve the navigation of Pamlico Sound.

Navigation

Macon having resigned, two senators were now to be chosen. Governor Iredell and Governor Branch were

Iredell and  
Branch  
Senators



1828

elected. John Owen now became Governor. Not so learned a man as Iredell, Owen was of fine qualities and worthy of this post of honor.

The Legislature had called on Congress to remove the obstructions in the Cape Fear, the result of sinking vessels there during the Revolution to keep out British vessels, and Congress proposing to do that, the State Civil Engineer was now dispensed with; but the work was kept up by Hinton James as superintendent. William Robards, the State Treasurer, who succeeded the venerable John Haywood on his death, reported that the State assets were \$1,047,485, and liabilities \$325,326. The Legislature directed that \$5,000 be advanced to McRae for the publication of his map.

Death of the  
Chief  
Justice

The Attorney-General, James Fauntleroy Taylor died in June, 1828, the Legislature electing Romulus M. Saunders to the vacancy; and on January 29, 1829, Chief Justice Taylor died. For thirty years he had been on the bench and ranked first among his associates. On his death the court made a memoranda from which the following are extracts. "In the character of this distinguished man there was such a rare union of qualities as renders the task of portraying it one of peculiar difficulty. The lineaments of his mind were delicate and so harmoniously blended as to present to the intellectual eye an object on which it dwelt with serene and affectionate pleasure, conscious of excellence, yet scarcely sensible in what it consists. . . . His gentle, unobtrusive manners, a singular felicity of expression, which always seized and apparently without effort the most appropriate word for the communication of a thought, a playful but ever benevolent wit, united with quick perception, great ingenuity in argument and a most retentive recollection of whatever he had read, opened for him a career of eminence. His patience was exemplary, and his courtesy universal. Uniting in an extraordinary degree suavity of manner with firmness of purpose, a heart tremblingly alive to every impulse of humanity, with a deep-seated and reverential love of justice, the best feelings with an enlightened judgment, etc.

Of his decisions they said: "Very many, which may be regarded as models of legal investigation and judicial eloquence, etc. . . . There is indeed a charm in all his compositions seldom to be found elsewhere, which has induced not a few to regret that the Chief Justice had not devoted himself entirely to a literary life. . . . If there was ever a kinder heart in human bosom, it has not fallen to our lot to meet with it. If ever man was more faithful to friendship, more affectionate in his domestic relations, more free from guile, more disinterested, humane and charitable, we have not been so fortunate as to know him."

### **The banks in trouble**

The conservative and splendid management of the banks in their early years had borne its natural fruit. Their value to the State was appreciated. Then in the time of depression that set in, they became the fortunate instrument to alleviate the situation. Everybody became borrowers; money was so easy to get on promises to repay. The charters of the banks were extended to 1835, and their capital was greatly increased, and as they could issue three dollars in currency for every dollar of capital, currency became superabundant. Specie becoming scarce, the Legislature came to the aid of the situation by issuing State notes, receivable as specie. While this expedient was a temporary relief, in the end it augmented the evil. Unfortunately, similar conditions existed elsewhere at the South and West, and there being great demand for specie, brokers plied their trade relentlessly, purchasing the notes of the banks at a discount and presenting them for payment in specie. There was but one road that led to safety, to call in loans; and that would occasion widespread distress. The banks hesitated to resort to that measure and suspended specie payment. The brokers being denied their specie brought suit, and to meet this threatened embarrassment, the banks required customers to agree to pay their indebtedness in specie; although the bank notes were below par. Unusual efforts were now made by the Legislature to give relief to the banks, but the Branch Bank of the United States having received a large



1829 amount of bank notes demanded specie in payment, and the banks were in a condition that required the most drastic action. At that time there entered on the stage of public life a man of unusual abilities and qualities, Robert Potter of Granville County. "With an address which would have graced the most polished court in Europe. with powers of eloquence that could command the listening auditors and sway them to his will, and an energy that shrank from no obstacle or opposition, he sought popularity by magnifying the evils of the day and appealing to the people for reform." He had been a midshipman, but after six years service had resigned and studied law, and in 1828, was elected a Representative from Granville County. On the meeting of the Assembly he proposed to reduce severely the pay of the judges. "Potter seems to have gone completely beside himself upon that and the other great subjects which have been agitating the people of the State for the last summer; I mean the all-absorbing subjects of the depreciation of the currency of North Carolina, and the bad not to say mismanagement of the directors of our banks." Potter had introduced a resolution, which was adopted, to raise a joint committee to examine into the affairs of the banks. The majority of this committee made a report different from Potter's views. And he submitted a minority report accompanied by a bill requiring the Attorney-General to institute proceedings against the banks, declaring a forfeiture of their charters. These reports led to high debate. Gaston was at that time in the plenitude of his powers. Badger, writing to Ruffin, said: "I have been employed for some days past in the Circuit Court of the United States where Brother Gaston is all in all, and although I have heard much and seen a little of *leaning*, yet never saw I, or heard I, of such complete supporting upon a lawyer as of the Chief Justice (Marshall) upon Gaston. The Chief Justice seems to be but his echo, though he is not aware of it, for his integrity is certainly pure." Gaston opposed Potter. "With Gaston were George E. Spruill of Halifax, David L. Swain, George C. Mendenhall of Guilford, and James Graham of Rutherford. . . . The House was a

Robert  
Potter

Wheeler,  
164

Ruffin  
Letters, I,  
458

Gaston

tie and the proposition of Potter was defeated only by the casting vote of the Speaker, Thomas Settle."

Potter by his attack on the banks gained such popular applause that he was at the next election chosen as a Jackson Democrat to Congress from the Granville district. His course in Congress was brilliant and imposing. He was re-elected without opposition. On Sunday, August 28, 1831, he committed a brutal maim on two of his wife's relations, one of them a preacher. He was fined \$1,000 and imprisoned six months. The next General Assembly passed an act making his crime a capital offense. Two years later, however, he was again elected to the House of Commons; but realizing that his career had closed he went to Texas in 1835. There he was a member of the convention that declared the independence of Texas, March, 1836, and member of the Texas Senate. Having some trouble with some men who on April 2, 1842, drove him from his house near Caddo, he took refuge in a stream, from the banks of which they fired on him, he diving as they shot; but eventually they killed him.

Potter's  
career

While Potter's attack on the banks failed, it had many and strong supporters. Such was the feeling that Charles Fisher, a Senator, had published in the *Yadkin and Catawba Journal*, February, 10, 1829: "By acts the most designing, the Legislature and the people of the State for the past ten years have been held under the spellbound influence of the banks, and particularly that bank misnamed the Bank of the State. So great has been this influence that when, a few years since, the Governor of the State had the firmness to call their conduct in question, the directors at Raleigh boldly stepped out and hurled the gauntlet of defiance at the Governor and the Legislature; and all the newspapers in the State sung out—'Long Live the King.'" He declared that one-third of the stockholders, 150 men, owning more than \$1,000,000 of stock managed the institution. "These compose the real aristocracy of the land, and of all aristocracies the most dangerous is a moneyed aristocracy. . . . Mammon is their God—self-interest their polar star. These are the men who are now at work to ruin the State, and

Fisher  
denounces  
the money  
power



the contest is with them. . . . Times have changed and they can no longer divide eight per cent with occasional bonus of ten to thirty-five per cent; and they have come to the conclusion to call in their debts without any regard to the condition of the community, but only looking to their own sordid interests. 'Let us wind up at once,' they say; 'let us call in our debts and get the money into our own hands; we can make more than five per cent of it by shaving notes and by buying up property at sheriff sales.' But," says a whispering spirit: "The people, you will ruin the people.' Mammon answers: 'What are the people to us? We must look to our own interest.' It is better that the people should suffer, it is better that the poor man, with his wife and helpless children should be turned out of doors; it is better that we should swell the tide of emigration to the west, than that we should get only five per cent for our money." On that line the thoughts of those who were agitating against the banks found food to grow.

Ruffin averts  
trouble

At that period Judge Thomas Ruffin was the most highly esteemed citizen and the most popular man in the State; every one had confidence in his high integrity as in his superior ability. The condition of the State Bank was so critical that in November, 1828, some of the leading men urged him to become president of that institution. On December 1, he accepted; and his acceptance raised a storm of fury against him by those who were so bitter against the bank. He moved to Raleigh and set himself at once to work to restore confidence in the State Bank, and, without favor, forced the borrowers to settle. He accomplished his purpose and saved the State from what might have been a financial disaster. When two months later the Chief Justice died, thoughts of Ruffin's friends turned to him to fill the vacancy.

Ruffin  
Papers, I,  
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Andrew Joyner of Halifax, one of the first men in the State, wrote in April, 1829, to Ruffin that the gentlemen of the bar in that region preferred Ruffin: "If Mr. Gaston were a candidate, I find there would be considerable difference of opinion among them as to which of you should be selected to fill the appointment, but it is now generally un-

derstood that he positively declines." This is of particular interest as Gaston was a Roman Catholic, and it was generally considered that Catholics were barred by the Constitution from holding civil offices while that provision did not extend to members of the Assembly. 1828

On November 14, 1828, Senator Macon, having reached the age when he thought his mental powers were on the decline, resigned and retired from public life, being succeeded by Iredell. He, however, preserved his activity and continued to be a great hunter of deer and foxes. He had served in Congress from 1791, was the honored Speaker of the House, and after 1815, was esteemed as one of the wisest Senators, and presided over the Senate as President pro tempore for several years until he retired. Like Jefferson, he thought the best interests of the people of the states lay in a strict construction of the Constitution, limiting the powers of Congress to the specific grants in that instrument. Particularly was he fearful that Congress would attempt to abolish slavery in the states. So it came about that he was opposed to many of the measures that now engaged the attention of the younger public men. To preserve his right of action, he never would enter into coöperation; and so during the period when presidential nominations were made by the Congressional caucus he abstained from attending such a caucus, even when in sympathy with a majority of the members. For many years he exerted the first influence in the State. Here he was the apostle of individualism. His basic principle was that the function of government should generally be limited to the preservation of order and protecting and maintaining the rights of the citizens; that other matters should be left to the care and enterprise of the people themselves. Thus he was not an advocate of public schools or of the State's using taxes to promote enterprises that offered advantages to some particular section. These matters he thought should be left to those concerned. Macon retires

It was under the influence of these teachings that opposition arose to such efforts as were made to provide public schools and promote internal improvements.



Macon's  
influence

Now that a new era was approaching, when railroads were to engage attention, the indisposition to lay taxes for purposes that were more strictly objects of individual concern stayed the hand of the General Assembly, and while charter after charter was granted the State gave its permission and good wishes, but no aid. One of the first propositions was to construct a road from Campbellton, where the steamboats discharged their freight, about a mile, to Fayetteville where the stores were located. The proposition had been previously considered, and a bill introduced and passed, but the work was not undertaken. Other charters had been granted to carry into effect the suggestion of Dr. Caldwell to have a railway from the coast through the central counties of the State; and a still more favorite project was to connect Fayetteville by rail with the Yadkin River at the Narrows so that the products of the Yadkin Valley, up to the mountains, could reach markets from Wilmington. But as session after session passed the Legislature deemed it inexpedient for the State to give aid. And so it was in regard to establishing public schools. Year by year propositions were made to that end, but despite the advocacy of many progressive spirits, especially in the Senate, they were without avail.

Next to Macon, perhaps the most influential person in the State had been Bartlett Yancey in whom was united every element of fine manhood; and now, too, he was missed from public life. For ten years he had been Speaker of the Senate and exercised a controlling influence in that body and many of the most important measures adopted were at his instance; particularly he drew the bill to establish the literary fund for schools. But he was conservative in applying the resources of the State to promote conditions. He died suddenly and entirely lamented, after his reelection to the Senate in 1828.

Political rewards in the State were few and not remunerative. The salaries of the Governor and of the judges were inadequate and, indeed, so was the compensation of the Representatives and Senators in Congress. Thus it came about that the Federal patronage was unduly considered in con-

nection with political alignment, and the expectation or hope of some Federal office was often uppermost in the mind of some of the public men.

The post of Minister to Peru had been tendered to Yancey but he declined it. He preferred his proud position of director of legislation to any other, while his practice brought him in a considerable income.

Indeed Murphey was among those who hoped for an appointment abroad; but his hopes were not realized.

While serving the University in Tennessee, he contracted a malady that impaired his health and usefulness. Turning from active leadership he proposed to write a history of the State, but here again he was doomed to disappointment, and the most progressive citizen of that era passed away February 1, 1832, without realizing his ardent hopes.

Death of  
Murphey

When the Assembly met, W. J. Alexander was chosen Speaker of the House and Bedford Brown of the Senate; then later, D. F. Caldwell of Rowan.

#### **Governor Owen's message**

The Governor strongly urged better transportation facilities and particularly the opening of a communication between Albemarle Sound and the ocean which, indeed, the U. S. Engineers had themselves recommended; and he was happy to report that the representations of the Assembly to Congress about the obstructions in the Cape Fear River had led to an appropriation of \$20,000 to remove them, and that Congress had likewise appropriated \$41,000 for the improvement of Ocracoke Inlet. The proposed Fayetteville and Yadkin Railroad seemed so important that he suggested a commission to ascertain the cost and the practicability of its construction, and he repeated his recommendation for the construction of the road from Campbellton to Fayetteville.

Improve-  
ments

Owen on  
public  
schools

While the messages of all of the Governors were generally explicit in their recommendations for the establishment of primary schools, none of them excelled in point and scope the first message of Governor Owen. He laid before the Assembly what was being done in New York, New Jersey



and the New England states and he urged that it was a false system of economy which held the hands of our legislators from establishing public schools. He submitted a plan for a public school system that had been prepared at his instance. He also boldly examined what he deemed was another subject of state concern, the unhealthy condition of the eastern counties. Urging draining as a remedy, he recommended that the State should own its own slaves to do the necessary work in cleaning out the rivers for transportation and in draining the swamp lands in the east.

### **Internal improvement convention**

1829

Contemporaneously with the Governor's message, there was held at Raleigh an Internal Improvement Convention, and this was an additional influence for legislative action. Under this stimulus the Legislature developed more substantial activity with respect to transportation improvements. A joint committee was appointed to report on the proposed railroad from Fayetteville to the Yadkin River. An appropriation of \$25,000 was made to build locks for the canal at Weldon, leading into the Roanoke River; and the House by a vote of 97 to 23 passed a bill to open a passage from Albemarle Sound into the ocean through Currituck Inlet, and the Board of Internal Improvements was authorized to expend \$2,000 for that purpose.

Currituck  
InletPopular  
elections

The west now achieved its first victory in its continued struggle to alter the governmental system which bore so heavily upon them. The election of sheriffs was taken from the justices and given to the white voters of the counties, and that year the election of clerks of the county courts were likewise allowed to the voters. But there the eastern members of the Assembly stopped, while the west urgently contended for the election of Governor by the popular vote.

Senator Branch, having been appointed Secretary of the Navy, resigned March 9, 1829, but as there was to be no meeting of Congress until December, Governor Owen did not appoint a successor. To succeed Branch Samuel P. Carson of Burke, Montfort Stokes, Judge Murphey and Bedford Brown were candidates. There were many ballots taken without results, and finally Brown was elected.

Brown  
Senator

On the death of Chief Justice Taylor, Judge Leonard Henderson, who had been a Superior Court judge eight years and then a member of the Supreme Court since its formation, was chosen Chief Justice by the surviving members. To fill the vacancy in the court, Governor Owen appointed Judge Toomer, who, when the Assembly met, resigned, but stood for election by the Assembly. However, on November 24, 1829, Judge Thomas Ruffin was elected. Judge Ruffin's accession to the Supreme Court was the beginning of a judicial career that reflected the greatest credit on the State. He was one of the most profound lawyers of his generation, and his opinions in later years were quoted with consideration by the English jurists. In private and public life he was an exemplar of all that was manly, courageous and elevated in human action.

Henderson  
Chief  
Justice

Supreme  
Court

Ruffin on  
the bench

On the resignation of Senator Macon, Macon County was erected and named in his honor, and now to perpetuate the memory of the great Speaker of the Senate another county was proposed—Yancey—but the bill failed in the Senate, noes 33, ayes 28.

Macon  
County

Among the bills at that session, showing the trend of thought, was one to incorporate the Fayetteville Female School of Industry and to incorporate the Donaldson Academy.

At Fayetteville there had been a firm of successful merchants, Donaldson & McMillan; the partner Robert Donaldson left two sons, James and Robert. They moved to New York. James married there Miss Lenox, whose brother gave the Lenox Library to the city. Robert married Miss Gaston, daughter of Judge Gaston, and resided at Tarrytown. On his departure, he gave a store lot for a school to be under the management of the Presbytery. The school was later established on the brow of Haymount and was known as the Donaldson Academy. The act of incorporation provided for an industrial department, allowing such pupils as chose to do so to pay for their tuition with their labor. Other such schools were started in various parts of the State, and indeed from the very beginning of the agitation for public schools, the object was to open

The  
Donaldsons

Industrial  
School



the way for poor children to obtain an education, there being no purpose to educate at public expense those able to pay.

The Governor's recommendation for the opening of Currituck Inlet was approved by the Legislature; but those about railways were not acted on.

In the Senate a bill was passed to incorporate a new State bank, but eventually it was postponed in the House, at the instance of Gaston, by a majority of four, and instead, again at Gaston's instance, a bill was passed extending the time for the banks to wind up their affairs.

The tariff

There developed much feeling against the course of Congress in the matter of tariff duties and internal improvements. The legislatures of South Carolina, Virginia, Georgia and Missouri had passed resolutions denouncing the action of Congress on these subjects, and Vermont had passed counter resolutions. Resolutions were introduced in each house; but no action was taken. In contrast with other resolutions offered, those of Mr. Worth were: "Although the tariff laws are unwise and oppressive to the Southern States, we cannot concur with the extremely violent and dangerous remedies to which the South Carolina doctrine of nullification manifestly tends."

House  
Journal  
1830, p. 16

The State being agricultural, Macon and the public men generally regarded that the tariff was inimical to their interests; and they also held that the Federal government had no right to use public revenues for internal improvements.

Such principles became the basis of party divisions in the State; and so firmly were they fixed that when Jackson vetoed an internal improvement measure, the Maysville Road Bill, the Legislature applauded him; and when a charter was being considered for the North Carolina Central Road, a proposition was made that "if the company should sell stock to or receive any aid from the Federal government, the charter should be forfeited," but the proposed amendment failed.

Within the State only slight aid had been given to the construction of some important highways; and so, likewise, when the improvement of water transportation began, al-

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though stock was taken in companies to improve the Roanoke and Cape Fear rivers, these enterprises were left largely to the individual citizens. The chief exception, where the State acted itself, was in removing the obstructions in the lower Cape Fear, but other than that the work had been left in private hands, and although the operations on the Roanoke and Dan had been very beneficial, the efforts to improve the Catawba and Yadkin had not borne satisfactory fruit. Indeed, some enterprising spirits had suffered heavy losses in the failure of their plans to improve these streams, especially the Catawba.

State  
non-action



## CHAPTER XXI

### THE CAPITOL BURNED

Excitement over the tariff and incendiary publications.—The Weldon Canal.—The trade to Norfolk.—The Petersburg Railroad.—The experimental road.—The Homestead Exemption fails; also to establish a State bank; also to remove free negroes from the State.—Mangum and Owen clash.—The settlement.—Mangum Senator.—Stokes Governor.—Alabama presents Jackson for President.—The political resolves.—The Government House and the Capitol to be painted.—The roof of the Capitol on fire.—Repairs ordered.—Motion to place the statue of Washington on rollers not passed.—Thomas Bragg repairs the State House.—Movement of population.—The causes of emigration.—The increase of the west.—The Teachers' Institute.—Conflagrations at Raleigh.—The Capitol destroyed.—Loss of the Library and statue of Washington.—The contest over removal of capital.—Two railroads projected.—The convention and rebuilding postponed.—Hughes contracts to restore the statue, but fails.—A free school in Johnston.—Manufacturing corporations.—Abolition.—Agitation.—Insurrection designed.—The Nat Turner insurrection.—The plot at Wilmington.—Six negroes executed.—Judge Gaston's address.

1830

At the next session, Governor Owen repeated his former recommendations and urged that the tariff duties called for a solemn protest. He adverted to "the deep excitement that has pervaded the South" on this subject, the conditions that "threaten the separation of the Union"; and he communicated, as well, "an incendiary publication circulated extensively throughout the Southern country, . . . a systematic attempt to sow sedition among the slaves."

The Roanoke  
trade

The canal passing around the rapids of the Roanoke had been opened to Weldon, and in 1830, there were eight boats regularly engaged in transporting the produce of the Roanoke and Dan through the canal from Elizabeth City to Norfolk. It was this trade that spurred Petersburg to action, and Norfolk, too—the prize they were contending for. And now Virginia acted on the subject of railroads. On the 10th of February, 1830, the Petersburg Railroad Company was incorporated at Richmond, and the Legislature of North Carolina, with some slight amendments and

The  
Petersburg  
road

additions, enacted the same charter as the road entered North Carolina and had its terminus on the Roanoke in this State.

It was thought by some desirable that an experimental railroad should be constructed as an object lesson. No more favorable site for such a road could be found than that at Fayetteville; but the citizens were slow to undertake the expense. At length, however, in December, 1830, a bill was introduced to build the Campbellton and Fayetteville Railroad out of the funds of the State, but such a measure having been referred to the committee on internal improvement, that committee reported that "finances of the State did not justify the construction of the road," and it failed to pass; and then, on motion of Mr. Henry abandoning State aid, it was so amended as to incorporate the Fayetteville Railroad Company, and eventually it passed on Christmas Day, 1830. But work on the road was delayed; and the credit of successfully operating such an experimental road was lost by Fayetteville.

A most important proposition failed at this session. Already imprisonment for debt had been abolished, and now it was proposed to establish a homestead exemption. Fifty acres of land including the home premises were to be exempt from execution. On January 3, 1831, the bill being in the Senate and the vote a tie, the Speaker gave the casting vote against it, and it failed; another generation was to pass before such a beneficent measure was adopted. So also, a bill to establish a bank with the funds of the State that had long been under discussion in the Senate being put to a vote, there was a tie; broken by the Speaker's casting vote, and the bill was indefinitely postponed. Another measure of interest was the report of a select committee, William B. Meares, chairman, on a proposition to remove free persons of color from the State. Such a bill was favorably reported, but was not acted on by the House.

Homestead  
exemption  
proposed

To fill out Macon's term as Senator, Judge Iredell was chosen in December, 1828, Mangum, whose name had been mentioned, having yielded that honor to Iredell, he himself taking a judgeship. Now as the end of that term ap-



1831

Mangum and  
Governor  
Owen clashMangum  
SenatorBiog. Hist.,  
V, 242, 244

proached, Mangum became a candidate, as also were Governor Owen, Judge Donnell, R. D. Spaight and Montfort Stokes, the latter being a western man. It was thought by some that Judge Donnell would beat Owen for Senator and that Spaight would beat him as Governor. Such was the combination against Owen. But Mangum was determined to be Senator and he was bitter that Owen, being eligible as Governor another year, should have entered the race for Senator. When the ballots were in progress on the opening in December, Mangum wrote letters denouncing Owen's political principles and at once notified Owen of his letters and avowed his willingness to give him the satisfaction usual among gentlemen. Owen accepted his challenge, Louis D. Henry being his second; and W. M. Sneed acted for Mangum. Mangum then directed his name to be withdrawn; but on December 3, Judge Saunders wrote Mangum that his letter was not received until there had been two ballots—that Owen had 97 votes, he 86 and 14 blanks. He proposed postponing the election till next session, and added "Charles Fisher feels confident your presence and nothing else can save us from Owen's election. I view his success as fatal to our future prospects." Eventually the affair of honor was called off,\* and Owen retired from the race, and Mangum was chosen Senator as a supporter of Jackson, and he resigned as judge. While this was an unusually bitter contest, yet in a measure it illustrates the course of affairs among the public men of that period. For the governorship, after many ballots, Montfort Stokes was successful over J. I. McKay of Bladen; and Owen retired to his plantation in Bladen. He was a gentleman of a nice sense of honor and a man of ability.

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\*It seems probable that Mangum withdrew his letter, and so the trouble was amicably settled; and that this was brought about by John Chavis, a remarkable negro man. Chavis had been educated by Dr. Weatherspoon, the President of Princeton, just before the Revolution, and served as a soldier in the war. Eventually he became a licensed Presbyterian minister. He was respected as a man of education, good sense and most estimable character and as a teacher and minister. In 1808 he opened a school in Raleigh for the white children; and with "an evening school to ten o'clock for colored children." Attention being paid not only to their education, but to their morals which he deemed an important part of their education. Later he had a school in Granville County and he taught at Hillsboro and elsewhere, among his pupils being boys who subsequently became distinguished, such as Senator Mangum and others. He was esteemed and respected.

Now that the Congressional caucus had been discarded the Legislatures of some of the states substituted the practice of presenting the name of their presidential candidate. Alabama had originally presented Andrew Jackson and now again did so. In the Assembly there were several shades of opinion. There were those bitterly opposed to nullification; those sustaining Jackson's administration, especially because he had turned his back on internal improvements by Congress. Various resolutions were introduced. Jonathan Worth offered one that "The Legislature does not recognize the right of an individual state to nullify a law of the United States and that the Union must be preserved." While the part relating to the preservation of the Union was adopted unanimously; that denying the right of nullification did not receive the sanction of twenty-seven members who were followers of Calhoun.

The factions

Another set of resolutions offered by Sawyer approving Jackson's administration, and especially his veto of the Mayfield Road Bill and declaring that his reelection was highly necessary to preserve the Union, passed the House by 97 to 9. Among the nays were Barringer, Joseph A. Hill, Mendenhall and Worth. Worth would not vote for Jackson. In the Senate these resolutions were tabled 20 to 16, which brought forth protests that "while the resolutions spoke the *wishes* of a large majority of the people, a few persons in the Senate could defeat them."

On December 27, 1830, a resolution was passed to require that the Government House, as the Governor's residence was called, be covered with good shingles and painted, and that the roof of the Capitol be painted and the leaks in the gutters stopped. On the evening of January 6, 1831, while the Assembly was in session, the roof of the State House caught on fire, but through the exertions of John B. Muse and others, including half a dozen negro slaves, the fire was subdued. The next day the Assembly passed a bill directing that the building should be covered with some metal, so as to be fire-proof, and that a cistern should be constructed on the lot and a fire engine and buckets provided and that repairs should be made to the State House, the

The Capitol  
on fire



1831

Governor's house and the Secretary's office. It was proposed, because of the possibility of fire, that the statue of Washington should be placed on rollers so that it might be removed in case of need; but the session was now near its close and the motion was not considered. After the adjournment of the Assembly the contract for repairing the State House was let to Thomas Bragg, a builder.

### **The movement of population**

The  
migration

There was a prevailing impression that the eastern part of the State was very unhealthy, the cause being largely attributed to the swamps and undrained lands. At that period, before the days of buggies, travel was generally on horseback although some persons used gigs and a few carriages. The judges who rode the eastern circuits found their health impaired and some even resigned on that account, so notwithstanding the advantage of water transportation enjoyed by the residents of the east, there was a disposition to move away. By the census of 1800, eight eastern counties had lost population, among them Craven and Halifax, and others fell far below the general average of increase. In 1810, six eastern counties lost population, and others fell below the general average of increase, sixteen per cent. In the next period, four more at the east had lost population, among them New Hanover; nor did the emigrants stop in the western counties. They sought homes farther away. Perhaps there being much land, and but little systematic improvement of the open fields either by the use of manure or by rotation of crops, constant cultivation resulted in the impoverishment of the soil. Certainly taxation was not oppressive, six cents on the hundred dollars worth of property, and the assessment very low. Nor were the emigrants from the poor, illiterate class. On the contrary it was the better class that was able to remove, men who hoped to better their fortunes. The movement was so observable that one of the Governors in directing the attention of the Assembly to it, mentioned that "the sons having gone to the west, and established homes for themselves, their fathers proposing to join them were offering their farms

for sale, and there was everywhere throughout the State much land for sale and no purchasers." Among the emigrants were many men of substance and education who carried their slaves with them. And so it was also at the west, although the movement from the Piedmont region was mostly to north of the Ohio.

The Piedmont region had originally been occupied by Germans and Scotch-Irish, and later, came Quakers from Nantucket and elsewhere. These, like the Moravians at Salem, had multiplied.

The great revival of 1800 led to the organization of the Synod of the Lutherans in May, 1803. In 1806, in Orange and Guilford there were three Lutheran churches; in Rowan four, in Lincoln eight, and Lutherans had extended into Iredell, Burke and Wilkes. There were also congregations of the Reformed German Church. Thousands of German families, however, migrated to Ohio, Indiana and Illinois so that there were Lutheran congregations in those states composed almost entirely of North Carolinians.

The  
Germans

In 1806 the Moravians had six congregations, five using the German language and one the English. And similarly the Lutherans held to the German for generations; so likewise the Gaelic was still in use on the upper Cape Fear.

Bernheim,  
393

The exodus that was annually kept up for decades by the Lutherans did not extend to the Moravians, nor so positively to the Scotch-Irish: but later it swept vigorously through the Quaker settlements, those emigrants going particularly to Indiana. Mrs. Coffin is said to have given the names of 300 Quaker families whose removal to Indiana she individually knew of. This general movement was supposed to be to a land of promise; but by this time it is notable that there were slaves and free negroes in every county: in Ashe, 600; Burke, 800; Buncombe, 1750; Macon, 496 and Haywood, 452; and this influenced the Quakers, also. But elsewhere there was a similar movement of population. The census of 1830 shows that Connecticut, the land of steady habits and of common schools, gained in that decade but eight per cent in population; New Hampshire, but ten

The  
Quakers

The  
per cent



per cent; South Carolina gained only eight per cent; North Carolina, thirteen, and Virginia, fifteen per cent.

The  
incentive

The general incentive to removal was hope of better location. In 1819, Murphey, the foremost man in the State in progressive ideas, had a notion to quit the State "as soon as I get my debts paid off"; and later he had a settled purpose to remove. Whole connections, like those associated with the Revolutionary patriot, Col. William Shepperd, moved together; the families of William B. Grove, John Hay, Sam Porter Ashe and the educator, Dr. Rogers, all having married sisters, removed to Tennessee about 1825. And so it was frequently. Indeed, a North Carolinian living in a new home wrote: "I was almost in hopes that her wise men would have abolished the Supreme Court and by that means have driven from the State the eminent men who yet linger within her borders." And it is to be remarked that much of the patronage of the State University came from the families that had moved away. Indeed the exodus appears to have come from the natural desire of enterprising people to better their fortunes, shared alike at the north and at the south. At that period the public mind had long been directed to State improvement. The chief thought was to make life more tolerable. The first endeavor had been to improve the rivers and water-courses. The communities were far separated; a line through the State from the northeast to the southwest would reach to Canada. Community interests were not similar. There were natural obstacles to development, and in the sparsely settled country there were obstacles even to much personal intercourse between the various strains of population located in the several sections of the State. Yet it is to be observed that the reports of Murphey, the first geological survey, the employment of Fulton, and efforts to improve the rivers and introduce railroads, and many other similar measures attest gratifying intellectual activity. The public men were efficient but conditions were not favorable to achievement.

Ideals

### The Teachers' Institute

In the spring of 1831, the teachers and others interested in education were urged to attend at the commencement of the University in June and associate themselves into a society. Many did so. On organization, for president was chosen Dr. Simmons G. Baker, originally of Martin County but later a resident of Raleigh. Dr. Baker was mentioned in 1829 by Dr. Mitchell "as a man of liberal education, very lively and intelligent in his conversation, a trustee of the University. . . . He sets a higher value on the *amor patriae* than any man I have ever known." Doctor McPheeters, Rev. William M. Green and Judge Nash were the vice-presidents. Various gentlemen were asked to deliver addresses at the next meeting, and at the meeting in 1833, Joseph A. Hill, understood to have been the most accomplished orator of that period, delivered the address, "rendered more acceptable by the wit, fancy and felicity and eloquence of language which accompanied and embellished it." But the subsequent meetings of the Society were not reported in the papers; apparently the Institute passed away.

### The Capitol destroyed

Already Raleigh had suffered severely by extensive conflagrations. On several occasions the east side of Fayetteville Street between Union Square and Martin Street had been partially swept away. When Thomas Bragg, the contractor, had nearly completed his work of covering the Capitol with a metal roof, through the carelessness of a workman, the building caught within the roof. On the bright morning in June 21 the citizens were startled by the alarm of fire, volumes of smoke were seen issuing from the ventilators under the roof. Judge Battle narrates that just as he stepped out of his hotel, looking towards the building, he saw owls flying from the attic windows, followed by lurid flames. There were no adequate means for the extinguishment of the fire. The citizens gathered and addressed themselves to saving the State papers, but the statue of Washington could not be removed. As the hours

June 21,  
1831

The  
statue of  
Washington



passed, they saw it doomed to destruction. Helpless to avert the calamity, they gazed with horror on the splendid work of Canova, crumbling in the heat of the conflagration, and then shattered into fragments as the burning timbers fell upon it. The Capitol was entirely destroyed. The *Raleigh Register* two days later said: "Of that noble edifice with its special decorations nothing now remains but the blackened walls and smouldering ruins. The State Library is also entirely consumed and the statue of Washington, that proud monument of national gratitude which was our pride and glory, is so mutilated and defaced that none can behold it without mournful feelings. The most active exertions were made to remove the chef-d'œuvre of Canova from the ravages of the devouring elements nor were they desisted from until the danger became imminent."

House  
Journal, 145

Fayetteville  
coöperates  
with west

The  
northeast for  
rebuilding

November,  
1831

Senate  
Journal, 10

As the day for the assembling of the Legislature approached, the congregation of the Presbyterian Church patriotically "tendered the use of their meeting house for the accommodation of the House of Commons, and their session room for the Senate," but Governor Stokes had the Government House prepared for the use of the Legislature. When the members of the Assembly arrived he tendered them its use. There was some question whether the Legislature could lawfully sit in a building outside of the corporate limits, but the qualms of conscience were quieted. The destruction of the Capitol brought a new sectional question into the realm of action. Fayetteville hoped to profit from the situation, and the west being anxious for railroads and for a convention now evidently there was room for an alliance. The northeast had originally fixed on the site of Raleigh for the Capital and now stood firmly for no change of location, besides the northeast was not interested in either the Cape Fear and Yadkin Valley Railroad or in the central road. Wilmington and the Cape Fear section stood with Fayetteville both as to railroads and the removal of the Capitol. Hardly had the Assembly met when Senator Seawell of Wake introduced a bill making an appropriation for rebuilding the Capitol on Union Square. The amount was at first left blank; but when he took the bill up, he

suggested \$30,000. Judge Toomer of Fayetteville proposed \$100,000. The Senate inserted \$30,000; but Martin of Rockingham moved to postpone until November next, which was carried 32 to 31. Two days later Dishough of Onslow proposed a joint committee to inquire into the expediency of chartering a road from Beaufort to the Blue Ridge and Judge Toomer proposed that the same committee should inquire as to the building of a road from the Cape Fear to the Yadkin; and Williams of Franklin proposed a road from Louisburg to meet the Petersburg road near Halifax. Each of these propositions had its bearing on the rebuilding of the Capitol. Gaston was delayed in attending. When he appeared on December 16, it was arranged that he should serve on this railroad committee; and coincident with that, Harper of Greene introduced a bill in the House to rebuild the Capitol at Raleigh. Two days later Gaston reported the two railroad bills that concerned the west, and they were made the order for the following day. Then the House took up the Capitol bill. W. H. Haywood, Jr., in support and Louis D. Henry in opposition. The discussion continued for two days, it being affirmed that the capital could be removed only by a convention. Then Henry carried his point, and the bill failed by a vote of 65 for; 68 against. The west was now hopeful of a convention and a bill authorizing the election of delegates to a constitutional convention was submitted. On January 4, 1832, the House went into committee of the whole to consider the resolutions. The discussion was continued on the 5th and 6th, when at last a motion to postpone indefinitely was carried by 70 to 55. As far as she could, Fayetteville rallied her friends for the support of this proposition, but the lower Cape Fear country did not stand solidly with her. Senator John M. Dick of Guilford offered a resolution to have an election for delegates to a constitutional convention, while in the House the two railroad bills were passed and were sent to the Senate. The Senate now spent two days on the convention bill and postponed it indefinitely, 42 to 21; and then the railroad bills were passed. Three days later, Senator Sneed of Granville

1831

The contest

The west  
hopes for a  
convention



offered a new bill to rebuild the Capitol at Raleigh. There was a long and stiff fight, but on January 11, the eve of adjournment, a vote was reached resulting in a tie and the Speaker voted nay! Both the convention and Capitol bills had failed, but the railroad bills were passed.

During the debate on the rebuilding of the Capitol, Gaston made two great speeches for the bill, the first of which was published. Mr. Creecy, who heard both, said that the second was the greatest speech ever delivered in a legislative body, and the defeat of the proposition to remove the Capitol has been ascribed to Gaston. It was his last service in the Assembly. He insisted that the location of the Capitol could not be changed by the Legislature.

Governor Stokes while lamenting the destruction of the statue of Washington said to the Assembly when it met, that in his opinion "the loss of the building itself is not to be considered a public calamity; that it was very probable that a part of the building would have fallen in a few years and perhaps have caused the death of many of the Representatives." The destruction of the statue, which was regarded as one of the great treasures of the world, was lamented not only here but throughout the North. Six days after the fire, a sculptor, Ball Hughes, an Englishman who had been in this country two years, wrote to Mr. Thomas Devereux saying that Mr. Robert Lennox had suggested that he might offer his services for restoring the statue. In December, Hughes was in Raleigh, and after an examination said he could restore it. Immediately the Legislature appointed a committee of which Gaston was chairman who reported that they believed Hughes could do the work satisfactorily, and that he would charge \$5,000 for the service. The Legislature authorized the Governor to make a contract with him on the terms of the report. Such a contract was made, and first and last \$2,800 was paid him, but unfortunately he did not complete the work. The pieces of the statue have been preserved at Raleigh.

The Assembly passed resolutions approving Jackson's administration declaring that "the best interests of the Union will be preserved and promoted by his reëlection and recom-

House  
Journal  
1831, p. 43

The statue

Acts  
1831-32,  
p. 138

mending him to the people of the United States for reëlection."

### **A free school established**

Among the other acts was one establishing a free school in Johnston County. It authorized the county court to lay a county tax to establish one or more free schools in Johnston County. Also at that session the Yadkin Manufacturing Company was incorporated to manufacture cotton and woolen goods. The capital stock was to be \$100,000. Charles Fisher and Samuel Lemly were among the incorporators. Similarly the Neuse Manufacturing Company, composed of William Boylan, J. O. Watson, David Thompson and others, was incorporated to manufacture cotton and woolen goods, with a capital of \$100,000.

New mills

### **Nat Turner's insurrection**

At this period a great campaign was conducted in England for the emancipation of the slaves in the British West Indies, which was successful in 1830, and then some English orators made addresses in Northern States. And coincident with their coming the basis of Northern opposition to slavery seemed to change. Formerly it had been political; now the moral question became more prominent. Conscience was awakened; and fanaticism knew no bounds. Speaking of the negroes in the State, Governor Stokes said in his message: "Fanatics of their complexion and other incendiaries have fomented their discontents and have incited them in many instances to enter into conspiracies dangerous to the peace and safety of the country." So, at the session of 1830 the Joint Select Committee on the Governor's message, reported; "they are satisfied that an extensive combination now exists to excite in the minds of the slaves and colored persons of this and the other slaveholding states, feelings and opinions tending to insurrection. . . . Designs have been certainly contemplated and, perhaps, plans actually formed, to subvert the relation of master and slave. The actual detection of the circulation of the

1831



incendiary publications and the accidental but partial discovery of the designs, which have been entertained by some slaves at points of the State remote from each other, together with the disclosure of facts relative to those designs, leave no doubt, etc. . . . It is fruitless to complain of the relation between master and slave. . . . It is a state of things thrown upon us, an evil which it is impossible at present to remedy. And when we observe the radical difference between the ideas, the deportment and habits of the slaves of the present day and those of twenty years since, we are justly led to fear that unless some change in our general police is effected, the most ruinous consequence may be apprehended." The committee reported bills; one was to prevent all persons from teaching slaves to read and write (figures excepted) which was passed. Months after this report was made, on Sunday night, August 21, 1831, a band of some sixty negroes, under the leadership of a negro slave, Nat Turner, murdered in Southampton County, Virginia, fifty-five persons. The next day became known as Bloody Monday. The other whites in that vicinity fled across the line to Murfreesboro, the nearest town. A troop of horse was at once raised, among them being John H. Wheeler, the historian. They along with others scoured the country, arresting the negroes.

House  
Journal  
238-243

Nat Turner

At  
Wilmington

Chronicles  
of the Cape  
Fear, 107

A plot for a similar insurrection was discovered near Wilmington. There was much alarm felt in the country, and the whites hurried to the town. At the fall term 1831, of New Hanover Superior Court six negroes were placed in jail charged with attempting to incite an insurrection. Judge Strange presided and the negroes after an impartial trial were convicted and executed. While no other outburst is recorded there was widespread alarm: and when the Assembly met provision was made for military companies to be organized in many counties.

But thoughtful men realized more than ever the situation of the Southern States, with such a large population of Africans held to servitude, who could not without peril be turned loose as freemen, nor deported from this country. At the University commencement in 1832, Gaston, the fore-

most North Carolinian, delivered an address on the Duties of Citizenship. In it he referred to the existence of slavery; and said: "On you, too, will devolve the duty, which has been too long neglected, but which cannot with impunity be neglected much longer, of providing for the mitigation, and (is it too much to be hoped for in North Carolina) for the ultimate extirpation of the worst evil that afflicts the southern part of our confederacy. . . . On this subject there is with all of us a morbid sensitiveness which gives warning even of an approach to it. How this evil is to be encountered, how subdued, is indeed a difficult and delicate inquiry, which this is not the time to examine or discuss. I felt however, that I could not discharge my duty without referring to this subject, to engage the prudence, moderation and firmness of those who, sooner or later, must act decisively upon it. . . . Perils surround you and are imminent, which will require clear heads, pure intentions and stout hearts to disarm and overcome."

Gaston's  
warning



## CHAPTER XXII

### SWAIN GOVERNOR

Influence of Virginia's action.—The New England Society.—Jackson breaks with Calhoun.—The Cabinet resigns.—The National Republicans.—The first national political convention.—The elections go against Clay.—South Carolina calls a convention.—It declares the tariff laws shall not be observed after February, 1833.—Jackson's stand.—His Force Bill.—The country goes against Clay.—He averts civil war.—The compromise.—Mangum leaves the President.—Caldwell's letters on schools.—The Virginia roads.—The experimental railroad.—Political conditions.—Swain's career.—Elected Governor.—Pearson proposes a convention.—The Capitol to be rebuilt.—Convention fails.—Resolutions of Polk of Anson to submit the convention to popular vote.—A tie vote.—Speaker Henry disappoints Fayetteville; defeats the proposition.—The western members hold a meeting, asking the people to vote.—The North Carolina Historical Society.—The Bank of the State winds up, and State Bank chartered.—Provision for rebuilding.—The Internal Improvement Convention.—Caldwell's ideas prevail.—Hill victorious over Graham as to State policy.—The falling stars.—Swain's great message urges progress and reform.—He announces vote on Convention in 30 counties.—Yancey County.—The second Improvement Convention.—Many railroad charters granted.—No State aid.—Daniel Attorney-General.—Banks and academies.—The Manual Labor schools.—The Griffin Free School at New Bern.—The west again disappointed.—Chief Justice dies.—Ruffin Chief Justice.—Gaston on the bench.—His opinions.—A free born negro a citizen.—Will's case.

#### **The west successful in Virginia**

Conditions in Virginia were quite similar to those in North Carolina. The settled east, with its slave population, and the remote west were in conflict over constitutional reforms. At length, in 1828, the Legislature of Virginia submitted the question of a convention to the voters, and the west won. The convention met in October, 1829, and adjourned in January, 1830. The changes made in the Constitution increased the power of the western counties; and this object lesson necessarily had an inspiring influence

in Western Carolina. Indeed, on December 28, 1830, Mr. Alfred C. Moore of Surry County presented resolutions in the Assembly submitting to the voters the question of calling a convention; but it was defeated in the House by a vote of 74 to 53. North Carolina was not ready to follow the example of Virginia.

### Emancipation

However, the debates in the Virginia convention touching the negro question, not only influenced the white voters of Western Virginia, but contributed to the agitation pervading the North. Indeed, at the Virginia Assembly of 1832, a proposition was offered looking to the gradual emancipation of the slaves, following the example of Great Britain, and despite the Nat Turner insurrection, it failed by only one or two votes.

Virginia was about ready for gradual emancipation. But contemporaneously with these events in Virginia, a party, insisting on immediate abolition, sprang up at the North, and in January, 1832, the New England Anti-Slavery Society was formed by William Lloyd Garrison, and in December, 1833, a National Anti-Slavery Convention was held in Philadelphia, the slogan being, "Immediate Emancipation." This new development tended to stifle any inclination at the South to favorably consider gradual emancipation, and it resulted in throwing around the slaves still greater restrictions in their daily life.

### Jackson reëlected

About the beginning of 1831, Jackson withdrew his personal friendship from Vice President Calhoun, and in the spring of 1831, for social reasons, he found it necessary to reorganize his Cabinet; and Branch along with all other Cabinet officers resigned.

In December, 1831, when Congress met, there was held at Baltimore the first national political convention, an innovation that supplied the place of the congressional caucus. The supporters of Henry Clay, still calling them-

The first  
national  
convention



selves National Republicans, met there in convention and nominated him for President and John Sergeant for Vice President.

South  
Carolina's  
action

July, 1832

And in May, 1832, a similar convention of Administration Republicans nominated Jackson and Van Buren. In the meantime, Congress was considering a new tariff bill, introduced by Clay, that was worse in its provisions and operations than "the Bill of Abominations," and it became a law in July. It added fuel to the fire raging in South Carolina, where the State Convention was called with the view of declaring the Tariff Act null and void in South Carolina.

When the Presidential election was held Jackson received a popular vote of 687,502; Clay 530,189; Jackson had 219 electoral votes while Clay had only 49; and Van Buren became Vice President. Calhoun resigned as Vice President and returned to the Senate.

The South  
Carolina  
convention

Nov. 1832

When the South Carolina Convention met, the Virginia Legislature sent a commissioner to urge it to postpone action until Congress could consider the situation, and the Convention, listening to the appeal of Virginia, postponed the crisis by declaring that the tariff legislation should be of no effect in that state after February 1, 1833. A breathing spell was thus afforded to Congress. But Jackson was determined to enforce the laws, and he issued a proclamation against nullification that, as a state paper, was of the highest merit, and he asked Congress to pass a force bill. In the Senate this Force Bill passed by a bare quorum, with one vote in the negative, the other Senators not voting. The country having gone so positively against Clay that he realized that the "American system" was doomed, and the danger of civil war being imminent, and Clay, being always apprehensive that Jackson, the military hero, would assume the reins of government as dictator, now sought to compose differences, and held conferences with Calhoun and others to save the country from war. A new tariff measure was agreed on that was satisfactory to Calhoun. It provided for a reduction of duties for nine years, the abandonment of protection, and for revenue duties of twenty per cent ad valorem. It was a complete settlement of the vexed question

and allayed the antagonism of that period. Clay had received applause on bringing about the amicable settlement of differences in 1821, and now ten years later he was hailed as the great patriot, saving the Union by his compromise. During the progress of these measures, Senator Mangum who had at the previous election been a Jackson elector, drew away from his old leader, and became a supporter of Clay, while Senator Bedford Brown adhered to the administration. In the meantime another subject that was destined to agitate the public mind was taking shape. The charter of the United States Bank at Philadelphia was about to expire and Jackson was opposed to its extension. These differences led to important realignments.

The  
compromise

#### Caldwell's letters on schools

Dr. Caldwell, who had so strongly urged the construction of a central railroad without avail in 1830, began an agitation for the education of the people of the State.

In a series of a dozen letters brought together and published in 1832, along with a voluminous appendix, he urged the subject of education on the attention of the people. He realized that there was no possibility of establishing public schools in the counties either by taxation or by borrowing the necessary funds. The unfortunate condition of the interior of the State, where the people were denied facilities for transporting their produce to market so that nothing except cotton could be profitably raised and sold abroad, made it difficult for them even to pay their necessary taxes. Therefore, nothing was to be gained by studying the New York system which had been started, founded on local taxation, or that of Connecticut where the interests on the fund derived from the sale of Connecticut's part of Ohio sufficed to maintain the schools. Here a different system must be resorted to, taxation being out of the question. He urged that as the Literary Fund amounted to \$100,000, the interest on that should be used to establish a central school for the preparation of teachers. These competent teachers being ready for employment, the people would establish

1832

The want of  
teachers



1832

schools for them: for he largely ascribed the absence of schools to the want of teachers. Although some of the graduates of the University taught schools, yet the courses at the University were rather for the education of those engaging in the learned professions than in the practical work of teaching children. While Dr. Caldwell's plan was not carried into execution, his letters contributed to keeping the general subject of public education before the public, and there were constant efforts made to start the ball, but without avail.

The  
railroads

The Petersburg Railroad was now under construction, and as it progressed it hauled freight and passengers with the result of illustrating to the people of Halifax the value of this new system of transportation.

Similarly, the Portsmouth and Roanoke Railroad was being built, and each of these companies needed some legislation. The first desired a terminus at a point on the Roanoke where the land belonged to J. S. Amis and the Legislature authorized the incorporation of a town there to be known as Blakely in honor of the naval hero; and the Portsmouth road desired a terminus opposite Weldon and the Legislature assented.

The  
experimental  
railroad

As it was thought that the Capitol would be rebuilt at Raleigh and in its construction stone would be used, quarried on the State's land in the vicinity, a road was being built to haul the stone, and in November a charter was granted to "Joseph Gales, William Polk, George W. Mordecai and others who have heretofore subscribed and commenced the erection of an experimental railroad under the name of 'Experimental Railroad Company.'"

There has been a well-founded tradition that the first conception of this project was by Mrs. Sarah Polk, the wife of Col. William Polk; she was one of the most urgent promoters of the undertaking and the Polks were the principal stockholders.

The company had been organized in the summer; and fortunately a competent engineer was at hand to construct the road. At the former residence of Chief Justice Taylor at Raleigh, a military school was in progress under the di-

rection of Captain Daniel Bingham, and he with two of his pupils, Richard B. Haywood and another, had supervision of the work. The cost was \$22,500 a mile. The construction was well done; and the road was nearly completed when the Assembly met and granted the charter. It was finished January 1, 1833. "A handsome car was put on it for the use of ladies and gentlemen desiring to take a railroad airing." The motive power was a good old horse. People came from the adjoining counties to ride on it: but its chief use was in hauling stone for the Capitol. As an enterprise the road was a success and it made money for the stockholders. Such was the beginning of railways in North Carolina.

1832

Battle's  
address,  
1877, p. 64

When the Assembly met in November, 1832, the members were much divided both as to state questions and the Federal matters that had agitated the people during the year. Uppermost was, perhaps, the dread of war, the attitude of South Carolina threatening nullification and secession, and the known determination of the President to ignore such action and enforce the laws, following his proclamation and application to Congress for a force bill.

Nullification

Jackson was not imbued with the principles of the Kentucky Resolutions of 1798, of which Jefferson was the author, but held that the Union must be maintained and the laws enforced. The difference between him and South Carolina was irreconcilable. In the Assembly there were some in full sympathy with South Carolina, while the majority, although denouncing the tariff as even unconstitutional, were intent that the Union should be preserved. In State matters, the new subject of railroads claimed attention, but of surpassing interest were the unsettled questions of the rebuilding of the State House at Raleigh, and of calling a convention to relieve the western counties of the injustice they suffered under the existing Constitution.

Other  
questions

To meet Judge Gaston's view that the State capital could not be removed by legislative action, some of those who favored removal now hoped for a convention to deal with that matter.



1832

Governor  
Swain

No change was made in the presiding officers: but Governor Stokes who, having served only two terms as Governor, was eligible to a reëlection, announced that he had accepted an appointment from the President as commissioner to make treaties with the Indians at the far West, and would not be a candidate. A new Governor was to be chosen. Richard D. Spaight, Thomas G. Polk of Rowan, and John Branch were aspirants. After ineffectual balloting for several days Judge Swain was proposed and was elected. The rise of this young Buncombe man was phenomenal. His mother was a sister of Joel Lane of Raleigh, and after four months at the University, he had studied law in Raleigh under Chief Justice Taylor, and had served his native county in the Assembly for five years, ending in 1829. During this period he married Miss White of Raleigh, a granddaughter of Governor Caswell, and became a brother-in-law of Hon. D. L. Barringer, Representative in Congress from the Wake district, who had married a sister of Miss White. While still in the Assembly a bitter contest had arisen between two lawyers of the Edenton district for the office of solicitor of that district. To end the feud, both factions, by common consent, agreed to compromise by taking this Buncombe lawyer. Swain served as solicitor during one circuit, and then in December, 1830, he was elected judge of the Superior court. He had served but two years in that capacity when he was chosen Governor, taking the office December 6, 1832, being then not thirty-two years of age. He had, however, given assurance not only of fine character but of great industry and unusual mental capacity. Years earlier several hundred thousand acres of land in the western part of the State had been entered by some citizens of Pennsylvania, who had perfected their grants: but these lands were within the Indian reservation. Later, after the State bought these lands from the Indians, native citizens also made entries and perfected their grants in the same territory. It was now considered that the former grants were void; and in the conflict of interest, the State determined to defend the title of its citizens under the later grants. Judge Badger was employed by the State,

The western  
grants

and he associated the young Buncombe lawyer with him in the case. To Swain was due the preparation of the hundred cases brought in ejectment against the actual residents. Swain's fee was \$1,000; the cases were not finally determined when Swain was elected Governor, and he returned to the State \$500, one-half of his fee. 1833

The cases were eventually won in the Supreme Court of the United States, and Judge Badger ascribed the result to Swain's indomitable industry, patient research and acumen. Such were the characteristics of this unusually gifted young mountaineer now called to direct the affairs of state; and in him the west found a powerful colaborer for all of its just claims for State action. Swain's industry

A week after the Assembly met, Richmond Pearson then of Rowan, introduced a resolution to appoint a joint select committee, one member of each house from every Congressional district, to consider the subject of a convention. The House responded favorably, as also did the Senate. On the same day Mr. Long offered a bill making an appropriation for building the Capitol at Raleigh. A fortnight passed and the House by a vote of 73 to 60 passed the Long bill which reached the Senate on December 17. The next day the select committee on convention to whom had been referred a resolution relative to the seat of government, made a report accompanied by a bill providing for a convention. The fight was now on. Mr. Collins moved that the consideration of the convention bill be indefinitely postponed, and was successful, the vote being 33 to 27. When two days later Long's House bill to build the Capitol at Raleigh came up in the Senate, Senator Hoke moved that each county should collect as taxes \$780 and the Capitol should be built out of that fund only. However that was a feeble effort, having only seven votes to sustain it; and the bill passed finally 33 to 30. The effort to remove the Capitol had failed. The State House was to be rebuilt. In the meantime a motion in the House on December 20, to take up a bill to establish the western county of Yancey resulted in a tie, and the Speaker, L. D. Henry, voting in the affirmative, the bill was taken up and the next day passed 63 to 60; The convention movement  
The Capitol to be rebuilt



Ibid., 211

but three days later it failed in the Senate 27 to 33. On the same day the committee on convention reported in the Senate a bill for a convention, and it was postponed; Mr. Pearson from the same committee then reported in the House a bill for taking the votes of the people for or against certain proposed amendments to the Constitution: but the consideration of that bill was postponed until next November.

Ibid.,  
232-233

The west defeated at every turn was now desperate, and on the eve of the final day of the session, Mr. Park of Anson offered a series of strong resolutions: "That the location of the seat of government at some convenient and proper place (such as Haywood) would be highly conducive to rearing a large and flourishing commercial town so necessary for the attainment of general prosperity; that the election of the chief magistrate ought to be by direct vote of the people, and for a longer period than one year; that a convention is absolutely necessary; that it be recommended to the people, at next election, to determine by ballot whether or not a convention should be called." The introduction of these resolutions was instantly met by a motion to table. The result was a tie 58 to 58.

Speaker  
disappoints  
the west

Now for a moment the west was jubilant, the Speaker, Louis D. Henry, represented Fayetteville, and Fayetteville was the friend of the west. But Henry disappointed all reasonable expectations and offended Fayetteville by voting to table. The western members were dismayed by his action; but quickly they determined to appeal to the people. On the same day, January 4, they held "a large and respectable meeting, and adopted an address to the people, urging them to vote at the next August election on the subject of holding a convention," and for the sheriffs to make due return thereof to the Governor, for Governor Swain was in entire accord and sympathy with the movement. With or without legislative sanction, the people would speak.

The west  
appeals to  
the people

While the Governor's mansion was officially known as the Government House, at this period it seems to have been also called the Palace, for on January 1, 1833, a committee of Senators was raised "to examine the roof of the Palace."

At this session the North Carolina Historical Society was incorporated, among the members being James Iredell, Governor Swain, Alfred Moore, Louis D. Henry, Isaac T. Avery, Joseph A. Hill, William D. Moseley and Richmond Pearson. Such was the earliest manifestations of Governor Swain's interest in historical subjects, which later won him a particular distinction and added to his great usefulness.

1833

Historical  
Society

The old Bank of the State of North Carolina after Judge Ruffin went on the Supreme Court again elected Judge Duncan Cameron its president, and he succeeded in winding it up admirably. At this session there was chartered the State Bank, the State taking a million dollars of stock and private individuals were allowed to subscribe another million. Thereafter the banking business in the State came to a sound basis and ceased to give public concern.

The State  
Bank

To rebuild the State House, William Boylan, Duncan Cameron, Treasurer William S. Mhoon, Judge Henry Seawell, and R. M. Saunders were appointed commissioners. They were to employ an architect, and make contracts, and the granite from the State quarry was to be used. An appropriation was made of \$50,000, but at the next session the limit was removed and the commissioners were empowered to draw such warrants as were necessary to complete the building.

Building  
commis-  
sioners

### Internal Improvement Convention

The era of railroads had arrived. Dr. Caldwell's letters were now understood and public thought was directed to this new method of transportation. Hope of advantages to the State was awakened. On July 4, 1833, there met at Raleigh one hundred and twenty delegates, representing twenty-one counties, chiefly in the eastern and northern sections of the State. It was the first concerted effort to secure railroad facilities and was known as the Internal Improvement Convention.

Governor Swain, ever an advocate of progress, presided, while Treasurer Samuel L. Patterson and Charles Manly, the clerk of the House, were secretaries. The personnel of the body was so remarkable that it was recorded: "So many

Cape Fear  
Chronicles,  
158



distinguished and talented men are said never before to have assembled in the State."

**The State  
policy**

William A. Graham, then in the prime of his rare abilities, urged as the policy of the State three north and south lines of railroad, conforming to the course of trade that the natural conditions had imposed on the inhabitants of the several divisions of the State. He was antagonized by Joseph Alston Hill of Wilmington, who inherited the Demos-thenic powers of his grandfather, General Ashe, and proposed the policy advocated by Caldwell of building up the State by marketing the produce of the west through the sea-ports of the east. A State policy was to be inaugurated. It was a battle of giants; Hill won. The convention adopted resolutions to the effect that the General Assembly ought to raise by loans such sums as will "afford substantial assistance in the prosecution of the public works; that the State should subscribe for two-fifths of the stock; that no work should be encouraged for conveying produce to a primary market out of the State; and that a corresponding committee of twenty be appointed in each county; and that a second convention be held on the fourth Monday in November." Steps were at once taken to give body and substance to its resolves. Circulars were issued to counties urging action. Propositions were formulated for the people to apply for charters for railroad companies. Much interest was aroused. The people responded.

**The falling stars**

"By far the most splendid display of shooting meteors on record was that of November 13, 1833. It seems to have been visible over nearly the whole of the northern portion of the American continent, or, more exactly, from the Canadian lakes nearly to the equator. Over this immense area a sight of the most imposing grandeur seems to have been witnessed. The phenomenon commenced at about midnight, and was at its height at about 5 a.m. Several of the meteors were of peculiar form and considerable magnitude. One was especially remarked from its remaining for some time in the zenith over the Falls of Niagara,

emitting radiant streams of light. In many parts of the <sup>1833</sup> country the population were terror-stricken by the beauty and magnificence of the spectacle before them."

The Raleigh *Register* said editorially on November 19: "On Wednesday morning our attention was called to the most sublime meteoric display we have ever witnessed. We observed it first about an hour before day, an unusual brilliancy lighting the room. From the zenith to the horizon on every side, space was filled with what seemed falling stars, some gliding gently downward, some rushing madly from their sphere, all with a grandeur which no language can describe. . . . The occasion was to many, of course, the cause of great alarm; to some from ignorance; to others from a constitutional propensity to superstition. It is said that prayers were offered by lips that never prayed before. Some said the light was so bright that they could read by it. Travelers, alone on the roads, were particularly impressed with the awful spectacle that seemed to be the opening scene in the drama of the destruction of the world." As the phenomenon was so extensive and so long continued, its effect on the people was memorable.

A planter of South Carolina thus narrates the effect of the phenomenon on the minds of the ignorant blacks: "I was suddenly awakened by the most distressing cries that ever fell on my ears. Shrieks of horror and cries for mercy I could hear from most of the negroes of the three plantations, amounting in all to about 600 or 800. While earnestly listening for the cause I heard a faint voice near the door, calling my name. I arose, and, taking my sword, stood at the door. At this moment I heard the same voice still beseeching me to rise, and saying, 'O my God, the world is on fire!' I then opened the door, and it is difficult to say which excited me the most, the awfulness of the scene, or the distressed cries of the negroes. Upwards of 100 lay prostrate on the ground, some speechless, and some with the bitterest cries, but with their hands raised, imploring God to save the world and them. The scene was truly awful; for never did rain fall much thicker than the meteors

Chambers,  
760-765



fell towards the earth; east, west, north and south, it was the same."

November,  
1833

Swain's  
message

When the Assembly met William D. Moseley of Lenoir and William J. Alexander of Mecklenburg were chosen speakers. There was naturally interest felt in what Governor Swain in the freshness of young manhood was going to say about public matters. Nearly every other state was passing resolutions relating to Federal matters and the Governor transmitted them to the Assembly, but he confined himself exclusively to State concerns. While our predecessors, said he, "were anxiously disposed to advance the improvement of the State by providing facilities for trade, increasing our agricultural productions, diffusing the advantages of education and adapting our laws to the improved condition of society, little had been accomplished compared with what the excited hopes and expectations demanded. The apathy has been most strikingly exhibited by the fact that the expenses of the General Assembly have exceeded the aggregate of all other expenditures." He referred to the excitement pervading every section of the State on internal improvements; and the demand for contributions from the public treasury. He urged that the efforts to improve transportation had not been without its value. "When it is recollected that in 1818 we were inexperienced, that several works were begun simultaneously, that the improvements began at the sources of the rivers instead of at their mouths, and other mistakes, the result was not discouraging. The introduction of the railroad system is a new era. My own opinion is that the great channels of intercommunication demand the exclusive attention and patronage of the government, local roads can be left to those interested, aided by a uniform State subscription to each project." He urged State action for progress in all lines; and particularly he asked attention to the system of taxation. "No income tax, only taxes on land and the poll, and these evaded." He wanted a new leaf turned over in every line.

And indeed it was time, for while under the act of 1819, which was still in operation, the owner was to list his land

at its value but at not less than the value affixed by the assessors under the act of Congress in 1815, yet the Treasurer's report showed that although the valuation ought to have been at least 56 millions, in 1833 it was only 43 millions, 13 millions less than in 1815. The average value had fallen from \$2.69 to \$2.27. In every county, except one or two, the value had decreased. In Edgecombe, Jones, Pitt, Bertie and Craven, its value was only one-fourth of what it was in 1815. The picture presented is fearful to contemplate. Indeed the land valuation had been gradually diminishing ever since 1820. For State purposes the land tax was six cents, and the average tax for county purposes was 26 cents, and the poll 60 cents.

A few days later he transmitted the result of the voting in the counties that voted on the question of a convention, "showing that the people of the western counties had the matter much at heart; and he cherished the hope that the Assembly would act favorably on the proposition." In thirty counties the people had voted, casting 29,505 votes for a convention, none to the contrary. Quickly after the members were in their seats, Irving of Rutherford moved in the House for a joint select committee to consider amendments to the Constitution. Both Houses agreed to it. Then on December 16, Irvine from that committee reported a bill to submit certain amendments to the people: but when an effort was made to take the bill up, the House refused by 79 to 46.

At every session since Yancey's death an effort had been made to establish a new county at the west to be named Yancey, but it had ever failed. However, on December 9, 1833, the bill passed the Senate by 33 to 28; among the 33 being Otway Burns. Coming up in the House five days later, Charles W. Nixon, member from Chowan, moved to amend it by adding an additional section establishing the county of Roanoke, beginning at the mouth of Alligator Creek running south twenty-five miles, then southeast to the ocean, and north along the seaboard to Kill-Devil Hill, then west to Alligator River; which, however, received only 49 votes. Then Mr. Potts of Halifax moved to give that

Depreciation

At the east

Convention  
voteHouse  
Journal,  
1883, p. 149

Ibid., 197



1833

Yancey  
County

territory proposed to be embraced in Yancey County more convenient administration of justice but without representation: this also without avail. The bill then passed 67 to 63. Thus at length in the closing days of 1833, the west finally obtained the desired county and the county seat was named Burnsville.

Internal  
Improve-  
ment  
Convention

While the Assembly was in session, the adjourned Internal Improvement Convention met in the Government House. It prepared a memorial to the Legislature embodying its views and recommendations: and the Assembly in joint session received the convention, and appointed a special committee to consider the memorial. But as yet the Legislature was not ready to lay taxes, or to borrow money for such enterprises; and many charters were granted, without carrying State aid. Some of the proposed roads were of general interest, but others were merely of local advantage; such as the Lumber River and Cape Fear Railroad, the Whiteville, Waccamaw and Cape Fear Canal and Railroad Company, the Campbellton and Fayetteville, the Halifax and Weldon. But there were charters for the Greenville and Roanoke Railroad Company; the Roanoke and Raleigh to connect with either Weldon or Halifax; the Wilmington and Raleigh; the North Carolina Center and Seaport Railroad to connect Raleigh with Beaufort Harbor; the Roanoke and Yadkin Valley Railroad to run from Blakely or Weldon to some point on the Yadkin, and the Cape Fear, Yadkin and Pee Dee, which was one of the enterprises of most interest. This road was to go from Fayetteville to the narrows of the Yadkin, and then along the lower courses of the river to the mouth of Rocky River, and then to penetrate Mecklenburg and Lincoln counties; while another branch was to go to Asheboro and then on westward.

Railroad  
chartersNo State  
aid

The system that would have been established had these roads been built would have been of great benefit to the State; but they were to have been constructed by private subscription alone, except the State was willing to bear the expense of the survey of some. To none did the Legislature offer any aid, but it authorized a lottery to raise

\$50,000 to be vested in stock in the Cape Fear and Yadkin and Pee Dee Railroad.

The Attorney-General, Romulus M. Saunders, having accepted an appointment from the President as Commissioner under the act of Congress for carrying into execution the convention between France and the United States, some thought such an employment vacated his office as Attorney-General, and a resolution to that effect was adopted by the House; whereupon Saunders resigned as Attorney-General, and John R. J. Daniel of Halifax replaced him.

Originally, on the destruction of the Capitol, the Presbyterian congregation had offered its church building and session room for the use of the Legislature, but the Government House having been already prepared for the Legislature by Governor Stokes the offer was not accepted; but now in December, 1833, a committee was raised to consider the question.

### **Banks**

Despite the hostility to banks, when the time came to wind up the existing banks, they were all either rechartered or replaced by other similar institutions. At the session of 1833 acts were passed to recharter the Bank of Cape Fear, to establish the Merchants Bank at New Bern, and the Albemarle Bank at Edenton; and to establish "The Bank of the State of North Carolina." The people were to have all the currency they needed.

1833

### **Academies**

There were more than a dozen academies incorporated at this session: among them, the New Garden School; the Greensboro Academy and Manual Labor School; the literary and manual labor institution in the county of Wake, known as "The Wake Forest Institute." Manual labor schools were much in vogue in other states, and there were several in North Carolina.

Moses Griffin of New Bern having devised property to Edward Graham and William Gaston and others to estab-



lish a free school at New Bern, the devisees were declared trustees and were incorporated as such to establish the "Griffin Free School."

Levi Silliman Ives, Jarvis Baxton, Duncan Cameron, Thomas Ruffin, George E. Badger and others were incorporated as trustees of "The Episcopal School of North Carolina," and a boys' school known as "St. Mary's" was started by them in the suburbs of Raleigh.

Appropriation for Capitol

The act making an appropriation of \$50,000 for rebuilding the Capitol directed that "the general plan shall be the same as the former building, and the lower story at least shall be of stone." When the commissioners began the work, Mrs. Polk's experimental railway was ready for use; and the commissioners made a stone foundation that was so substantial and costly that at the next session an additional \$75,000 was allowed for the construction.

### **The west again disappointed**

Senate Journal, 114

On January 10, 1834, there was introduced in the Senate a bill from the select committee to provide for ascertaining the sense of the people relative to a convention. It passed the first reading 32 to 29.

House Journal, 253

An amendment was offered to strike out the clause that provided for taking the sense of the people on amending the 32d section of the Constitution, prescribing qualifications for office. The proposed amendment was rejected. Mr. Mendenhall moved to amend by striking out the clause that future General Assemblies shall not abolish slavery. That was lost 16 to 44. The bill having passed the Senate 31 to 30, was indefinitely postponed in the House by 64 to 59. It proposed to submit certain amendments of the Constitution to the people. Its failure was a great blow to the western members who were defeated at all points, save alone in the formation of Yancey County.

### **Judge Gaston**

In August, 1833, Chief Justice Leonard Henderson having died, the State mourned his loss as one of the strongest





THE STATE CAPITOL. Begun in 1833; completed in 1840





and purest jurists that had adorned the bench; to succeed him as Chief Justice, the members of the court chose Judge Ruffin; and to fill the vacancy on the bench all eyes were turned to William Gaston,\* who while he felt no scruples because he was a Catholic, conferred with others before he concluded to allow his name to be used.

On November 28, he was elected by the Assembly on the first ballot without serious opposition. He perhaps deserves to rank as the first among the distinguished men born in the State. His manner, at that period, was grave, courteous and unostentatious. He was affable with dignity and companionable without familiarity.

Among the earlier opinions he filed was that for the court in the case of *State v. Will, a slave*, who was convicted of murder for slaying his overseer. A special verdict had been found which showed great provocation and cruelty on the part of the overseer. Judge Gaston said: "In the absence then of all precedent directly in point, or strikingly analogous, the question recurs, if the passion of the slave be excited into unlawful violence by the inhumanity of the master or temporary owner or one clothed with the owner's authority, is it a conclusion of law that such passion must spring from diabolical malice? Unless I see my way clear as a sunbeam, I cannot believe that this is the law of a civilized people and of a Christian land. But the appeal here is to the common law which declares passion, not transcending all reasonable limits, to be distinct from malice. The prisoner is a human being, degraded, indeed, by slavery, but yet having 'organs, senses, affections, passions like our own.' "

18 N. C.  
Reports, 121

In the case of *State v. Hoover* the court sustained a verdict of murder against a master for killing a slave. In *State v. Manuel* Gaston said: "Slaves manumitted become

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\*In 1829 Ruffin had been appointed to the court, and in 1832, J. J. Daniel. In August 1833, Chief Justice Henderson died and Gaston was, in November, elected to the vacant place in the court. The practice was for the Justices to select their Chief Justice; so a question arose who should be the Chief Justice. When the court met in December, Ruffin insisted that Gaston should be, and Gaston insisted that Ruffin should be; and Daniel declared he would not choose between them. So Ruffin and Gaston tossed up a coin, and Gaston had his way: Ruffin became Chief Justice. So Judge Gaston wrote to Judge Story of Massachusetts.



20 N. C.  
Reports, 44

freemen and, therefore, if born within North Carolina are citizens of North Carolina, and all free persons born within the State are born citizens of the State." These and similar opinions of the Supreme Court at once attest the sense of justice that animated its members, and are evidence of the humane sentiments that pervaded the people of the State. That it was not until 1834 that the question involved in Will's case was presented to the court, illustrates the general management of the slaves, while the conviction of a master for murder in killing his slave is equally suggestive. While these decisions of the court were not questioned, being in accord with the enlightened sentiments of the people, yet it was fortunate that it fell to Judge Gaston's lot to elucidate the principles on which they rested. Instead of his losing popularity, he became more popular than ever, and was later asked to represent the State in the United States Senate, but he declined to allow his name to be brought forward, saying that he preferred to continue in a judicial career.

## CHAPTER XXIII

### THE CONVENTION

Jackson forbids deposits in Bank of United States.—Panic ensues.—The Senate censures the President.—Benton moves to expunge.—The people divide.—Mangum leaves Jackson.—Gales turns Whig; and retires.—Succeeded by Weston Gales.—Philo White publishes the *Standard*.—Swain urges revision of Constitution, a division by Congress of public lands, and internal improvement and schools, and to arrest emigration.—First movement for a railroad.—Whitfield to have steamboats on Neuse.—The Legislature instructs Senators to expunge.—A limited convention proposed for the people to call.—The west prevails.—The sectional vote.—The delegates.—Convention sits in the Presbyterian Church.—Borough representation abolished.—Suffrage confined to whites.—Representation in the Assembly.—The debate.—The cause of emigration.—Gaston's speech.—The final outcome.—The east loses 35 members.—Term of office fixed at two years.—The religious test.—Speeches of Gaston and Toomer.—The election of Governor.—Convention adjourns.—The sectional vote on ratification.—Death of Polk, Ashe, Caldwell.—Swain president of University.—Taney, Chief Justice.—Spaight, Governor.—Governor Swain's final message.—The amendments adopted.—Election of Governor provided for.—Railroad charters.—Steamboats for Pamlico River.—Gold mining companies.—The frost year.

#### At Washington

President Jackson thought that the Bank of the United States had sought to prevent his election, and that it was using its power in making loans to secure an extension of its charter. It had twenty-five branch banks throughout the states, and could exert a potent influence. Jackson took strong ground against the bank. In May, 1833, he appointed R. B. Taney to be Secretary of the Treasury, the only officer who, under the law of Congress, could divert public moneys when collected from being deposited in the vaults of that bank. In September, Taney made an order that no more collections should be deposited in that bank. Immediately, the bank began to call in its loans, thus creating a demand for currency, and this soon led to a panic.

Deposits in  
Bank of  
U. S. for-  
bidden



1834

The friends of the bank attributed the situation to the President.

The Senate  
censures

At the election a majority of the Representatives chosen were supporters of Jackson, but the Senate was of a different complexion. There the bank had the most friends. On March 28, 1834, after much discussion and agitation, the Senate adopted a resolution censuring the President for his action. It was a novel performance. Immediately, Senator Benton offered a motion to expunge that resolution from the record of Senate proceedings; but the majority of the Senate were of a different mind. The matter remained open. The country took up the controversy, which entered into politics. The friends of Jackson demanded that the Senate should reverse itself. Senator Brown had stood by the President, but Mangum sustained the vote of censure. Elected as a supporter of Jackson, Mangum cast his fortunes with the opposition, now beginning to be known as "Whigs."

Jackson  
men  
dominant

When the Assembly met, the same officers were reëlected. One of the first matters of interest was the election of a Senator to succeed Bedford Brown. On the proposition to go into the election, much opposition was manifested. In the House while 73 favored it, 54 were opposed; and so in the Senate the vote stood 33 to 28. Then filibustering set in, but the majority soon carried their point and on November 20, Brown was reëlected. The Jackson supporters were dominant.

When the Governor was to be chosen, W. D. Moseley, the Speaker of the Senate, was brought forward against Governor Swain and at first there was no choice, but the next day, Swain was continued in office as Governor.

Gales  
adverse

Joseph Gales, who had been a leading Democrat for so many years, never was an adherent of Jackson, and now went with Mangum to the Whig opposition. However, he soon left the sanctum, his son, Weston R. Gales, taking his place as editor of the *Register*. But his influence continued, for he had years before purchased an interest in the *National Intelligencer* at Washington, conducted by his son, Joseph, and his son-in-law, W. W. Seaton, which was

considered the most important of all the newspapers of the country. Mr. Gales, upon his retirement, resided in Washington.

At this session, Philo White, a man of culture and attainments, who had for some years been a Democratic editor and was publishing the *Standard* at Raleigh, was elected public printer.

The  
Standard

### Swain's recommendations

In his message Governor Swain said that the matter of first importance was to amend the State Constitution. It was first introduced in 1787 and for half a century has continued to command public attention. He urged its revision. He advocated that the public domain should be divided out among the states by Congress, thus giving North Carolina a fund for the prosecution of internal improvements and for schools. He again adverted to the subject of emigration, saying: "The continually increasing current of emigration, which is depriving us of many of our most intelligent and enterprising citizens and a large portion of our wealth, particularly in the section of the State regarded as the most populous, imparts to this subject a powerful interest; and he urged action to overcome the disadvantages that beset the prosperity of the State. The Legislature having authorized the appointment of commissioners to revise the statutes, he had appointed William H. Battle, Gavin Hogg and James Iredell. In the Senate there was some response to the Governor's recommendation for internal improvements and the first movement towards State aid for a railroad was made on December 17, 1834. On motion of Mr. Montgomery of Orange, the committee on Internal Improvements was directed to inquire into the expediency of building a railroad from the seaboard to Raleigh and thence to the Yadkin, the State to take two-fifths of the stock, but the Assembly was not ready for such expenditures.

The  
Assembly

To promote water transportation, Needham Whitfield was vested with the exclusive right, for fifteen years, to navigate with steamboats the Neuse from New Bern up as far



1834

as the boats could ascend. At that session, the Halifax and Weldon road not having been then begun, three more years were allowed for its construction.

Mangum  
instructed

Governor Swain had ignored Federal matters, but the Jackson men were not so complacent. On November 28, Mr. Potts of Edgecombe introduced a resolution declaring the right of the Assembly to instruct Senators and instructing Senator Mangum to vote to expunge from the record of the Senate the resolution censuring President Jackson which Mangum had voted for. For a week the resolution was not considered, and then for a week it was daily discussed, the opposition filibustering against it; but eventually on December 11, it passed the House by 69 to 57. Sent to the Senate, there was a protracted filibuster against the resolution. The Assembly had agreed to adjourn over on Christmas Day, but at fifteen minutes after 12:30 a.m., December 25, the hundredth motion to adjourn was voted down, and the Senate continued in session. Then Senator Owen Holmes of New Hanover, a leader favoring the resolution, allowed an adjournment. Finally two days later, the Senate passed the resolution by 33 to 28.

### **The Convention called**

Late in the session, December 27, when the members were thinking of final adjournment, Kittrell of Anson, to whose committee had been referred a bill for a convention, reported a substitute. The substitute was agreed to 68 to 61. Then there were various amendments. As there was no provision in the Constitution for amending that instrument or for calling a convention, it was considered that only the people themselves could take legal action, so the question whether there should be a convention or not was first to be submitted to a popular vote. Then the character of the convention was considered, whether it was to be limited to amending certain specific articles, or could abrogate the existing Constitution in whole. The bill was so cast as to confine the changes to particular subjects and articles. There was much diversity of opinion; but eventually at a meeting of leaders in their rooms, the form and

scope of the bill was so adjusted that it would receive support from some of the eastern members. On December 31, it passed the House by 66 to 62. In the Senate, it was amended, and passed January 3 by 31 to 30.

On January 5, the House concurred in the Senate amendments, and at last the long waiting of the west was over. For fifty years there had been a desire and purpose to amend the Constitution, often strongly manifested, and now the victory was won, the way was clear.

### The Convention

The act submitting the question of a convention to the people provided the machinery for taking the sense of the white voters on that question. The election was to be held at the usual voting precincts on the 1st and 2d days of April; the sheriffs were to make returns to the Governor, "who, if a majority of the votes favor a convention, shall issue a writ for holding an election for delegates. Every county to elect two delegates, and no more; delegates to convene in Raleigh on the first Thursday of June; the delegates to take an oath to observe the limitations specified in the act."

At last the west had accomplished its purpose. The first step had been taken towards reforming the Constitution. Under existing conditions the eastern counties with a minority of the population had a preponderance in the Assembly, the State being a sort of a confederation of counties, each with equal representation: and the system was a representative republic, all the chief offices being elected by the Assembly. Now it was proposed to give more voice to the popular will and to base representation on population.

The vote cast was 49,244, of which 27,550 were for the convention and 21,695 were against it. And, as illustrating how closely political action is allied with local interest, the east was so solidly against the measure and the west so solidly for it that in some of the eastern counties only four or five voted for it, and in some of the western counties only one or two votes were given against it. By the census of 1830, there was in the State 97,633 white males twenty

1835

Sectional  
vote



1835

years of age and upwards; and this vote also indicates that on grave constitutional questions popular interest is so lacking that one-half of the voters took no part in the elections. Yet that was the largest vote ever cast in the State except in the hotly contested presidential election of 1828, when the aggregate vote was 51,776.

When the election for delegates was held many of the best men in the State were chosen. Among them were Nat Macon and Weldon N. Edwards, sent by Warren, William Gaston and Richard D. Spaight from Craven; David Outlaw from Bertie, Governor John Owen, Bladen; Dr. Frederick J. Hill, Brunswick; Judge Toomer, Cumberland; Louis D. Wilson, Edgecombe; Jesse Spaight, Greene; Governor John Branch, Halifax; Kenneth Rayner, Hertford; Asa Biggs, Martin; Alfred Dockery, Richmond; William B. Meares, Sampson; Joseph J. Daniel, Halifax; Riddick Gatling, Gates; and Owen Holmes of New Hanover, Governor Swain, Buncombe; M. Barringer, Cabarrus; Calvin Graves, Caswell; Hugh McQueen, Chatham, John M. Morehead, Guilford; Bartlett Shipp, Lincoln; Edward T. Broadnax, Rockingham, Charles Fisher, Rowan; Jos. McD. Carson, Rutherford; Meshack Franklin, Surry; Henry Seawell, Wake, Edmund Jones and James Wellborn from Wilkes.

Convention  
debates

The delegates assembled on June 4 in a room in the Governor's mansion, but before the day was over a committee of which Governor Swain was chairman, was appointed to find a more convenient place of meeting.

The organ-  
ization

The next day the Governor reported that the officers of the Methodist and Presbyterian churches had both tendered the use of their buildings. It was resolved to accept the offer of the Presbyterians; and the next morning the convention met in the Presbyterian Church. The members having been sworn in, the venerable Nathaniel Macon was unanimously chosen to preside, and Edmund B. Freeman was elected clerk.

Judge Gaston from the committee appointed to report on taking up the business of the convention, reported that

nineteen committees should be appointed, each to consider some separate business.

There was diversity of opinion on every material matter. Among the first questions determined was as to the abolishment of borough representation. It was generally admitted that there was no reason for retaining it except as to the commercial towns, New Bern, Edenton, Wilmington and Fayetteville. Governor Swain urged that the convention was due to the votes of these towns in the Assembly, and he appealed for the retention of the borough system. After full debate, eventually, the vote against any exception was 103 to 23.

The  
boroughs

The most interesting question was as to depriving free negroes of the right of suffrage. The debate on this explored the whole subject of the condition of the African race in the South. It was said that not only had free negroes never voted before the Revolutionary War, but that for years afterwards they did not vote: that they were not citizens. The convention seemed to be about evenly divided in opinion. John M. Morehead offered an amendment allowing those negroes to vote who possessed a freehold of one hundred dollars; but the convention rejected this by a vote of 63 to 62; and then by a vote of 66 to 61, it abrogated in toto the right of free colored persons to vote. Suffrage was to be confined to the whites.

Free  
negroes

When the subject of fixing the number of members of the different houses was reached, much feeling was evoked. Originally this, as all the other subjects, had been referred to a committee of thirteen; but later its membership was increased to twenty-six. Governor Swain, chairman of the committee, reported that the Senate should be composed of 50 members and the House of 120, the greatest numbers specified in the act providing for the convention. The limits imposed by the Legislature, being the compromise reached leading to the passage of the act, were for the Senate not less than 34 nor more than 50, and for the House not less than 90 nor more than 120; and it was generally considered that the convention should regard the proportion between these suggested numbers; and that in awarding member-

Represent-  
tation



ship to the senatorial districts regard should be given to property; and that representation in the House should be according to the Federal population, counting negroes at three-fifths. The committee of 26 reported in favor of the greatest number in each house; but there was great diversity of opinion as to the basic number. There was also great controversy over the incidental question as to whether borough representation should be retained.

Wellborn

The compromise made in the Assembly by which the act providing for the convention was passed was strongly urged by those who wanted no radical change. Wellborn from Wilkes said fifty years earlier he had brought the subject of a reform of the Constitution before the Legislature and it had been constantly agitated ever since. "We have asked them for appropriations to make highways and railroads and what has been their answer? They said nature had supplied us (them) with the means of reaching a good market, and we will not be taxed for your benefit. If the west had been in power the Central Railroad from Beaufort to the mountains would have long since been completed. The Cape Fear and Yadkin would have been united; a vigorous system of internal improvement would have been carried into successful operation. . . . No wonder when a North Carolinian goes from home he is ashamed to own the place of his nativity."

Macon

Macon said he "disapproved of any plan of internal improvements in which the government was to take a part. All improvements of this kind ought to be the work of individuals."

Spaight

Spaight replying to Wellborn asked: "In what respect had the State been degraded? He had always felt proud of being a North Carolinian. Look at our judiciary, our laws, at our University which stands on a footing equal to any other institution in our sister states. As to the great emigrations, they are equally as great for South Carolina. The cause was the sales of our public lands; make all the internal improvements you choose, it will have no effect on emigration while the land sales continue."

Wilson of Perquimans in the course of a very lengthy address said that it was erroneous to think of North Carolina as degraded. He had been through Virginia, and if "that State were in a more thriving condition than North Carolina the evidences of it are not to be discovered. Take the whole State, and the superiority is ours. The gentleman for Wilkes thinks if a railroad were constructed to the west the mountains would be converted into rich fields and blooming gardens. He would be sorely disappointed; nine-tenths of their land is exhausted and not worth cultivating, contrasted with thousands of acres annually brought into the market in the southwestern states. Gain is the principle that prompts men to action; and as long as the western lands are kept in the market it is impossible to check the tide of emigration."

Wilson

Emigration

Spaight of Greene, in an elaborate speech, made similar and even stronger statements. "South Carolina lost by emigration even more than North Carolina."

Gaston, in the course of a great address, said: "An omission to settle this question (of representation) now, in such a manner as to tranquilize the public mind," he should regard as no ordinary calamity. He did not, however, "anticipate, in that event, the result predicted by the gentleman from Buncombe (Governor Swain). That gentleman in earnest language had predicted that if a satisfactory arrangement were not now made, the people of the west would rise like the strong man, in his unshorn might, and pull down the entire political edifice. Sir, the strong man of Zorah, bowing down with all his might, tugged at massy pillars till he buried all beneath one hideous ruin. It was a glorious deed. Should our friends in the west in a moment of passion overthrow the existing Constitution, the mad triumph will be a triumph over order and law, over themselves, their friends, their country."

Gaston

Samson  
feat

"There was much in North Carolina to respect and love. In no land was justice administered with greater purity, and in no state in the Union was there less of violence, and malevolence and corruption of faction. But much, very much could be done for the improvement of her physical

Conditions



1835

condition." He hailed with delight the institutions springing up in various parts of the country for the instruction of youth; but there was need for united efforts to accomplish the intellectual and moral advancement of the State. He closed with an earnest appeal for the education of the poor and humble.

Spaight said: "What had principally prevented internal improvements from being successful is, we have constantly attempted to do too much. In the Legislature there was not only an eastern and western interest, but there was a Roanoke, a Cape Fear and a Neuse interest; and the result had been to prevent anything being effectually done."

Convention  
debates, 120

After much hot debate, the membership in the Senate was fixed at fifty, and then followed for several days a contest over that for the House; but again the committee was sustained by a vote of 76 to 52.

Representen-  
tation

Later, when the subject of apportioning the membership was reached, borough representation was negatived; and a particular proposition to give borough representation to New Bern, Wilmington and Fayetteville was rejected by 74 noes to 47 ayes.

The convention now threw the counties into fifty districts, each entitled to elect a Senator, two of the small counties being embraced in a district, which deprived the east of ten Senators.

Term of  
office

Lincoln and Orange were allowed four members: of twelve counties awarded three members only one, Halifax, was in the east; of the twenty-six counties with a single member, six were of the west and twenty of the east; while by abolishing borough representation the east lost five. Altogether the east lost thirty-five members of the Assembly. The term of office of the Governor, members of Assembly and State officers was fixed at two years, and there were to be biennial sessions of the Legislature.

Religious  
test

At length, on June 26, at the end of three weeks, the question of amending the 32d section applying a religious test for office came up. The debate on that subject was a most notable one. There were those who considered that the popular feeling against any modification of that section

would endanger the acceptance of the other changes in the Constitution, but generally there prevailed a liberal spirit in regard to it. Judge Gaston, a Catholic, made one of his greatest addresses. He sought to show that the prohibition did not extend to a Catholic: and he said such was the opinion of the best legal advisers in and out of the State. That personally he would be indifferent, but as a citizen he hoped that the section would be modified. His speech for its fullness, learning and eloquence remains an honor to the State.

Judge Toomer's speech also was noteworthy. He declared that the prohibition of the sections had ever been a dead letter; that Caswell, the president of the convention that adopted it, had been considered a Catholic, his parents being Catholics; that neither Jew, nor atheist nor Catholic had ever been denied office because of the section.

Toomer

It was proposed to substitute the word "Christian" for "Protestant," and eventually the motion was adopted by 74 to 51.

Convention  
Journal, 331

When the proposition to elect the Governor by the people every two years was reached, Gaston and some others strenuously opposed it. The Governor had only administrative powers and duties; the change would introduce ferment and faction. No state was more free from such evils than North Carolina. In reply, Wellborn asked: "How was it that our State had been called 'Poor old North Carolina'? It was because we had done nothing to improve our advantages. We need great improvements, and the time is near at hand when we will make them." The report of the committee was adopted by a vote of 74 to 44. Eventually, when all the proposed changes had been formulated, on the final question of submitting them to the people, the vote stood 81 to 20.

Governor  
elected by  
people

Before adjournment Gaston offered a resolution tendering thanks and appreciation to the venerable President. Macon feelingly responded. At the close, he said: "While my life is spared, if any of you should pass through the county in which I live, I shall be glad to see you." When the applause had ceased Carson rose and mentioned that he was



1835

about to leave North Carolina to reside in the west, and he would ever be happy to see any friend from North Carolina.

The convention having completed its work on July 11 adjourned, and the proposed amendments being submitted to the people were ratified, the vote being 26,771 in favor and 21,606 against; a majority of 5,166. In Brunswick not a vote was cast for ratification; in Tyrrell 1; in Hyde 2; and so on. In Burke one vote was for rejection; in Rutherford 2; in Surry 4; in Haywood and Wilkes 8; and so on. But generally the east was more liberal than the west, and the western voters were more numerous than those of the east.

### Swain President of University

On January 14, 1834, Col. William Polk, the surviving field officer of the N. C. Continentals, passed away. Because of his shining virtues and sterling worth, his eminence in patriotic work and his charming personality, he was an ornament to society, respected and revered, and his loss was mourned throughout the State.

A year later, in 1835, there died at Fayetteville, Samuel Ashe of New Hanover, doubtless the last surviving officer of our Continentals. Of him George Davis, in his University address twenty years later, said in an eloquent and striking eulogy: "He was the last of all the Romans."

On the 27th of January, 1835, Dr. Caldwell, the president of the University, died. He had been at its head for nearly forty years. He was one of the best scholars and teachers in the State. He had seen the number of matriculates rise to 173 in 1823, but then from various causes it had fallen to 100. The University was languishing.

University  
languishing

On Dr. Caldwell's death, Dr. Mitchell acted temporarily as president. On the 20th of June, twenty-nine trustees met and sought to secure a president. Governor Swain's term of office was expiring, and he desired the position. Judge Cameron approved, and the trustees generally agreed. He had many of the desired qualifications although he was lacking in fine scholarship. He entered at once on his duties and made a most successful president of the Uni-

versity. There were only 89 matriculates in 1835; in 1837, 142; and 1838, 164; and still year by year the number increased.

Just as the convention adjourned, Chief Justice Marshall, who had held the circuit court at Raleigh for a generation, and was so highly esteemed that his presence was always a beneficial influence, died at Philadelphia. Many of the public men of the State hoped that Gaston would be appointed by the President as his successor, but the Attorney-General, Taney, was selected.

Death of  
Marshall

### **The last Assembly under old system**

When the Assembly met, Moseley was reëlected Speaker of the Senate, and W. H. Haywood was taken in the House.

The returns of the voting on the amendments to the Constitution had not been officially compiled, but doubtless it was known that they had been adopted and that this would be the last Assembly under the old system. The Democrats having a majority, Richard D. Spaight was elected Governor over his opponent, the great Cape Fear lawyer, William B. Meares.

Governor Swain's final message was full on the ordinary topics that engaged attention. Particularly he inveighed against the propaganda of the abolitionists, deplored the continued exodus and urged local improvements. He said: "In much the larger portion of the State the past year has been a season of more than ordinary prosperity. The production of articles necessary for the sustenance of human life has been abundant and our great agricultural staple has commanded a higher price than has been known in many years. Our citizens always distinguished for prudence and economy are at present probably less involved in pecuniary difficulties than at any previous time of our history." However, "the tide of emigration," said the Governor, "continues to flow in a copious and steady current to the new states and territories." And he adverted to the absence of educational facilities and of internal improve-



ments as causes swelling the emigration and giving other states advantages of North Carolina.

The day of  
the change

On December 4, the Governor transmitted the result of the voting on the amendments showing their adoption; and made his proclamation that the changes in the Constitution would be in effect on January 1, 1836. Governor Swain, still a young man, had the satisfaction of feeling that he had borne a chief part in bringing about these changes in the Constitution of the State which the western people had so much at heart as possibly leading to the material advantage of that section of the State. He had exhibited a capacity for securing results that singled him out as one of the most influential men of his generation.

Elections  
provided for

Under the changed Constitution, the Legislature now had to provide for the election of a Governor and of Assemblymen. The sheriffs were directed to open the polls in their several precincts for the election, on the same day in 1836, as for the Assembly theretofore, and biennially thereafter; and make their returns for Governor to the Secretary of State who was to deliver them to the Speaker of the Senate.

Railroads

The Legislature incorporated the Raleigh and Gaston Railroad Company, but did not subscribe for stock. It also incorporated the Raleigh and Fayetteville Railroad, and a road from Milton to Salisbury. The charter of the Wilmington and Raleigh Company was amended to allow that company to construct its road to meet the Petersburg and Portsmouth roads at Roanoke River.

South Carolina and other states had chartered the Cincinnati and Charleston Railroad Company, and the Assembly passed an act of similar effect.

William Tannahill and Bryan Saunders were vested with the privilege of running steamboats on the Pamlico and Tar rivers for eighteen years. The Wilmington Marine Hospital was incorporated. Eight academies were incorporated including the Episcopal School at Raleigh, and nine gold mining companies were chartered.

The Assembly also adopted strong resolutions on the subject of the Abolitionists, whose activities knew no

bounds and whose object was to excite the negroes to insurrection and massacre. 1835

### The frost year

Notwithstanding the happy picture of conditions drawn by the Governor it has been understood that the year 1835 was distinguished for its numerous frosts in the central part of the State. A letter, written in June, 1835, by Wesley Heartsfield of Wake County to his brother, who had moved to Florida, says: "You requested me, in the first place, to write you how I come on in the married state—and that I will do with pleasure. I was married on the fifth of March, and I had a very cold time of it, for there was at that time three snows on the ground, one on the others; but I did not mind that; the company was very agreeable at both places. I have got a pretty, kind, decent, good-natured, obedient, smart, pious, loving wife, and, of course, we get along pretty well. The weather is cold enough this morning to sit by a fire, and on the twenty-third of May we had a little frost, but not to bite anything.

The women

"I saw Mr. Wiggins the other day and he wishes you to write him word whether or not you think he would be benefited in selling off and coming to that country.

"We have hard times here and worse are coming. Everything sells high. Corn sells at \$4.50 and \$5.00 per barrel. Fodder and oats, \$1.50 per hundred. Negroes are very high indeed."

A letter of 1923 from the Assistant Attorney-General, Frank Nash, says: "There was an old man, and a very excellent man, who lived in Orange County, named Holden. He died some ten or twelve years ago upwards of ninety years of age. When he was about sixty-five years of age a horse ran away with him, threw him out of his buggy and dislocated his neck, but as above said, he lived to be over ninety years of age. At the time I saw him, his mind was entirely clear and he told me that he recalled distinctly the famous year in which crops were destroyed by excessive cold. He said that he had a field of wheat just in bloom when a freeze came the latter part of May and blasted it



as though hot water had been poured upon it. His recollection was that the year was 1835.

"Dr. William Strudwick told me that his father told him that there was only one month in that year in which there was no frost and that was July. According to these accounts, the only crops raised that year were Irish potatoes and corn, and the corn crop was very short."

The Raleigh *Register* of February 10, 1835, said: "Sunday last is thought to be the coldest day ever felt in this latitude. At six o'clock in the morning, February 8, the thermometer was one degree below zero. . . . At Fayetteville it was two degrees below."

In its issue of August 23, 1830, the *Register* said: "The weather destroyed or greatly damaged the crops, which were burned up by heat and drought." Such disasters to crops were elements in the movement to other localities.

## CHAPTER XXIV

### RAILROAD BEGINNINGS

General conditions.—Great land sales.—The public debt extinguished.—Distribution of surplus among the states.—Van Buren and Hugh White nominated.—Dudley for Governor by the Whigs.—The Raleigh and Gaston road.—The Wilmington road goes to Weldon.—Dudley President.—Democrats nominate Spaight.—Van Buren elected.—The Assembly against Mangum.—Strange chosen.—Nash, Pearson and other new judges.—The west jubilant.—Spaight's message.—Stocks made personal property.—Surplus fund for schools.—Committee recommends investing in railroad and bank stock.—Morehead opposed to Wilmington and Weldon road.—The fund invested.—County of Davie.—Cherokee lands open for entry.—Lake Mattamuskeet to be drained.—The Halifax road to be absorbed by the Wilmington.—The Cape Fear and Yadkin to be extended.—Caldwell's project.—New projects.—The cotton manufacturing companies at Fayetteville, Rocky Mount, Lexington, Yadkin, Randolph, Weldon, Cane Creek, Milton, Salem.—Other incorporations.—Davidson College, Wake Forest.—The silk craze.—The arsenals.—Chang-Eng.—The financial crash.—Progress of railroad construction.—Conflicting interests.—Wilmington seeks the trade of Greensboro.—Dudley reëlected.—His pronounced views.—To send our products through our own ports.—The Internal Improvement Committee.—Laid on table.—Aid given to roads.—Nags Head Inlet.—Common schools established.—The expunging resolution.—The Whigs avoid instructing.—The Senators do not at once resign.

#### General conditions

Jackson's last year in the presidency had been full of serious questions. In 1833, he had directed that no more public moneys should be deposited in the United States Bank, and thereafter they were deposited in State banks. 1836

About that time an era of inflation and speculation set in. The purchase of government lands largely exceeded all expectations. Funds came in so rapidly that by January, 1836, the public debt was entirely extinguished and \$25,000,000 had accumulated as a surplus. By June the surplus reached \$40,000,000.

The great deposits in the State banks led to wild speculation, and as a remedy, Congress in June, 1836, passed an act to distribute the unnecessary surplus among the states, in four quarterly installments, beginning January 1, 1837. Surplus to be distributed



And to check the purchases, the President in July, directed that payment for land, except in the case of actual settlers, should be made in specie.

In May 1835, the supporters of the President held a convention in Baltimore and unanimously nominated Van Buren, who was the Vice President, to succeed Jackson. For some reasons Van Buren was not acceptable to all the former supporters of Jackson, while there was very strong opposition to him by the Whigs. Although his nomination consolidated the Democrats of the North, it stimulated the Whigs in the opposition.

The Whigs  
organize

When the Legislature adjourned, the Whig members had a meeting and organized their party by appointing committees in every county. A month later, the Raleigh Whigs put up for President, Hugh L. White, a native of Iredell County, who had had a highly honorable career in Tennessee and in the Senate; and for Governor, they selected Edward B. Dudley of New Hanover, who was well known as one of the champions of internal improvements.

### **The railroads**

There had been a road chartered to run from Raleigh to the Roanoke River, known as the Raleigh and Gaston. The promoters of this route met at Raleigh on January 2 and large subscriptions being made, the company was organized on February 4, the Whigs taking the lead; and actual construction began in June. There was likewise a proposition to build a road from Raleigh to Fayetteville, and perhaps this may have determined Raleigh not to subscribe for the line to Wilmington. At any rate, the incorporators of the Wilmington and Raleigh road meeting with no substantial aid from Raleigh and having obtained an amendment to their charter allowing the road to be built to the Roanoke, now considered changing this route to Weldon. On March 14, the company organized at Wilmington, determined to go to Weldon, and elected Edward B. Dudley president. Mr. Dudley was originally of Onslow County, but having come to Wilmington as a soldier during the war of 1812, he remained there. His subscrip-

tion to the railroad was \$25,000 and that of Wilmington was 1836 correspondingly large. The Whigs had taken the initiative in these enterprises and they stood before the people as the particular friends of internal improvements.

Meetings in the counties brought forward, naturally, Governor Spaight as the Democratic candidate for Governor, and soon the *Standard* put up his name at the head of its column. Similarly, Whig meetings brought out Edward B. Dudley and these became the contestants for Governor at the first election by the voters of the State. Great interest was aroused; and while the main issues discussed were those growing out of Federal politics, yet Dudley representing active exertions in the cause of internal improvements, offered some hope for the future. Such were the conditions when the election came off in August, 1836.

The first  
contest

The campaign turned largely on Jackson's course in regard to the United States Bank and on the right of the Assembly to instruct Senators. And as Mangum had appealed to the people against the Assembly, an issue was made that involved him particularly, and he had many friends, but he had taken a stand against the Jackson administration, and Jackson was near to the popular heart. The result of the changes in the Constitution had been very distasteful to the east, where apparently much bad blood was engendered; while at the west the reverse was evident. There many counties that had before only two representatives now had three, and the privilege of voting for the Governor imparted a zeal before unknown. The scepter had departed from Israel; the course of empire was to the west. Although the Democrats stood faithfully to Spaight, yet Dudley was the favorite, and in the fullest vote cast, 63,948, won over his competitor. For some reasons, the votes of three counties were not embraced in the official returns. Dudley's majority was 4,043.

House  
Journal, 314

After his election, Dudley resigned as president of the railroad, and was succeeded by General James Owen, a brother of Governor Owen, under whose management the road was constructed and operated for four years.



**Van Buren elected**

In the presidential election the opposition to Jackson was not united, the Whigs not being yet thoroughly organized. Clay seeing he stood no chance of an election would not be a candidate. General Harrison received the chief Whig support, but Webster was voted for as well as White. In North Carolina the Democrats put every shoulder to the wheel. Even Macon, who had sought retirement, allowed his name to head the electoral ticket. His influence was still great. He and the other Van Buren electors were chosen. But it was his last, expiring effort for his party. Seven months after his attendance on the electoral college, June 29, 1837, he passed away, sincerely lamented by the people of the State. Van Buren carried 15 states, with 170 electoral votes; Harrison 7 states with 73 electoral votes; White, Georgia and Tennessee; Massachusetts voted for Webster. Later, when the South Carolina Legislature met, Calhoun gave that State to his friend Mangum.

**The Assembly**

1836

In the Legislature the parties were about evenly divided. When it met, Hugh Waddell of Orange was chosen Speaker of the Senate over Moseley, the former Democratic Speaker, by two votes, there being one member absent and one vacancy. In the House, William H. Haywood, brother-in-law of Dudley, was successful over William A. Graham by seven votes, there being seven seats vacant.

Mangum now considered that he had lost in his contest at the polls. He realized that the Assembly was adverse to his position and he tendered his resignation. On December 3, the election of his successor came on, the nominees being Robert Strange and Thomas Settle. In the Senate the vote was Strange 24, Settle 25, in the House, Strange 61, Settle 58. On joint ballot, with one absent from each House, the Democrats had a majority of two votes. Three weeks later an election came off for the full term and Strange was chosen, receiving seven majority in the House. Robert

Journals,  
40, 294

Strange  
Senator

Strange was a native of Virginia, who had early in life come to this State, and was associated with the most accomplished of our public men. Of Judge Strange, it has been said: "As a writer, his style is highly imaginative; his taste, chastened by an intimate acquaintance with the most approved authors in every age, is classic and beautiful. His eulogy upon Judge Gaston cannot but affect the heart, improve the feelings and delight the mind of all who may have the pleasure of reading it." He once ventured into the realm of fiction and wrote a novel. As a jurist, he ranked among the most eminent men in the State. At that session to fill vacancies on the Superior Court bench, Judges Nash, Pearson, Bailey and Toomer were elected. After ten years, Judge Nash had returned to the bench and Richmond Pearson now began his judicial career, both being destined to win high honor and to wear the robes of the Chief Justice. Owen Holmes of Wilmington was likewise elected a judge, but on notification he declined.

Wheeler,  
130

Judicial  
changes

### The new conditions

The western members and those who had favored the change in the Constitution were now in high elation. The past was behind them, the future offered hope and the rainbow of promise was in the heavens. And coincident was the fortuitous distribution of the surplus revenue. Not only was the power to proceed in their hands but the instrumentality was provided. The line between old things and new things was sharply drawn, and the Governor elected by the people was a progressive.

Governor Spaight, accepting his defeat with equanimity, opened his message with a reference to the unexampled prosperity of the country and to the termination of the disturbing questions that "have made us a divided people." He hoped that "all differences, antipathies and dislikes, if not hatreds, arising from the agitation would now terminate although we could not expect 'that hatred or dislike could immediately be succeeded by love and affection.'"

He mentioned the act of Congress requiring the public funds to be deposited with the states, saying: "The faith



of the State is pledged for its return. . . . If you receive it, it should be so invested as to be returned on demand." He submitted communications from Maine, Massachusetts, Connecticut, New York and Ohio and six other states on the subject of "Incendiary publications, abolition and slavery."

Now the prospects of having a fund that might be invested in improvements and in the advancement of education awoke the liveliest interest. A select committee of five from each house was provided for. Mr. Jordan on December 3 reported a bill from the committee for accepting the deposit which was unanimously passed. Another was passed to make stock in incorporated companies personal property; for stock in railroad companies had been considered as savoring of the realty.

House  
Journal, 321

The Senate having concurred in accepting the offered deposit, a committee of one from each congressional district on the part of each house was raised to recommend the disposition of it. This important committee consisted of Senators Polk, Hawkins, Morehead, Kelly, Davidson, Hussey, Spruill, Skinner, Whitaker, Rhinehardt, Carson and J. W. Bryan. The House branch was Raynes, Moore, Smallwood, Hooker, Sloan, Fisher, Blount D. Jordan, Graham, Lee, Cansler, Patton and Courts.

1836

### The new fund

William A. Graham for the committee made the report that the State debt of \$400,000 be purchased; that the bank stock and \$187,800 of cash to be invested in bank stock, all amounting to \$1,000,000 shall belong to the Literary Fund; that \$200,000 be expended in draining the swamp lands; that the State should subscribe for two-fifths of the capital stock of the Wilmington and Raleigh Railroad and of the Fayetteville and Western Railroad; that the profits should go to the public schools.

An amendment was proposed to subscribe \$200,000 to the Raleigh and Gaston Railroad but was voted down 27 to 66, and an amendment prepared to subscribe to the Central Railroad was at first likewise voted down, but when the

committee prepared a bill to give effect to the resolution, 1836 they included among the railroad beneficiaries the Central road, and in a motion to strike that out, the vote was 19 to 74. The bill passed 61 to 42 nays.

In the Senate, Mr. Reid moved to amend the bill by subscribing two-fifths of the stock of the Milton and Salisbury Railroad, but this failed by 6 to 33. Mr. Morehead, evidently much dissatisfied, then moved to strike out the Wilmington and Weldon Railroad, the vote being 11 to 28. Failing in that, he moved to postpone the bill indefinitely, but he again lost the vote by 13 to 26. On the final passage, the vote was 26 to 13, Morehead and a dozen others opposing it. Morehead's dissatisfaction

Eventually the "surplus revenue" was apportioned as follows: After paying \$300,000 on the State debt and the same amount for stock in the Bank of Cape Fear, and for draining the swamp lands, the Board of Internal Improvements was to subscribe for two-fifths of the stock of the Wilmington and Weldon Railroad when three-fifths had been subscribed and paid in by individuals. And in like manner two-fifths of the stock of the Fayetteville road running to the narrows of the Yadkin, and likewise two-fifths of the capital stock of the N. C. R. Central from Beaufort to Fayetteville, when the other three-fifths had been paid in by individuals. But no aid was offered to the road projected from Raleigh to the Roanoke. Among the acts passed were those extending the charter of the Cape Fear Bank to 1860 and conferring banking privileges on the Louisville, Cincinnati and Charleston Railroad Company. The distribution

The people of the west now had the satisfaction of establishing a new county, called Davie. Population was thickening in the mountain section, so all the lands bought from the Cherokees in 1818-19 were now opened to entry, except such tracts as were awarded to the Indians as a reservation. The swamp lands were to be drained and also Lake Mattamuskeet. Davie County Cherokee lands opened

All of the profits accruing to the State from the investments were vested in the board of the Literary Fund. And so it came about that through the sales of the public lands,



Acts  
1836-37,  
p. 126

donated to the Union by Virginia and North Carolina, and otherwise acquired, this State in 1837 was able to enter on enterprises of the greatest importance to its prosperity and to create a fund for the endowment of a public school system that promised a general diffusion of education and the elevation of the citizenship.

Among other legislation were acts to incorporate the Raleigh and Columbia Railroad Company, from Raleigh to Rockingham and then to Columbia; and to allow the Halifax and Weldon Railroad to subscribe its stock to the Wilmington and Weldon Company.

The Cape  
Fear and  
Yadkin

The Cape Fear and Yadkin Railroad Company had large views, and now was authorized to run one branch of its road from the narrows to Wilkesboro, and the lower branch to cross the Catawba and intersect the Charleston and Cincinnati Railroad. The company was also granted the powers of the Cape Fear Navigation Company to clean out and navigate the Yadkin River. If the road from Beaufort should connect with this road, then preference in transportation was to be given to that company. Caldwell's proposed road was to turn to the west by way of Raleigh, the new project in contemplation was for the main line to go farther to the south through Fayetteville. But again the North Carolina Central Road was chartered from Beaufort through New Bern, Trenton and the central part of the State to the Tennessee line, or to go by Fayetteville and connect with the Fayetteville and Yadkin Railroad. A road from Edenton to Norfolk was likewise chartered, and the Raleigh and Columbia Road also.

### Manufactures

Various manufacturing companies were incorporated. The Phoenix Company at Fayetteville, under the control of Charles P. Mallett and his associates; the Rocky Mount Manufacturing Company, the Battles being the incorporators; the Lexington Company under the Hargraves; the Yadkin Company under Charles Fisher and his associates; the Randolph Company under John B. Troy; the Weldon Company under Andrew Joyner and his associates, "Near

Weldon on the Roanoke Canal"; all of these to manufacture textile fabrics and the High Shoals Company to manufacture iron, under Henry Fulenwider. The Cane Creek Cotton Manufacturing Company; the Milton Manufacturing Company; the Salem Manufacturing Company, all making cotton goods. Then, there were the General Mining and Manufacturing Company; and the Mutual Insurance Company at Fayetteville; and the North Carolina Mutual Fire Insurance Company with its principal office at Elizabeth City. 1836-7

Several institutions of learning were incorporated, chiefly for the education of females; among them the Greensborough Female College and the Caldwell Institute. The desire of the western counties to establish a western college of a high order of merit, had not been gratified. Every effort had proved unavailing. Now Davidson College was incorporated, the trustees to be selected by the Presbyterians of Concord, Morganton and Bethel and such other Presbyteries as should become associated with them in the undertaking. The Literary and Manual Labor Institution of Wake County was created a college, under the name of Wake Forest. Greensboro Female College  
Davidson College  
Wake Forest

Somewhat earlier the culture of silk had been agitated and the *Morus Multicaulis*, a species of mulberry, was introduced with a view to promoting the rearing of silk worms. That idea spread so rapidly that it was eventually known as the "*Morus Multicaulis* craze." Evidently to aid this interesting enterprise, the Legislature passed an act to encourage the culture and manufacture of silk and sugar, under which any six or more persons subscribing a capital of \$2,000 could form themselves into a joint stock company for the growth or manufacture of silk or sugar. The conditions were favorable to the growth of the silk worms, but perhaps there was no sufficient market for the cocoons and while in the homes there was some silk made, the industry did not succeed. Silk

There were arsenals for the public arms at Fayetteville and Raleigh, and there were at least 5,000 muskets and 1,750 rifles on hand. The rifles were directed to be stored Public arms



**The arsenal**

at Morganton and Salisbury for the western militia and the muskets at Fayetteville, Wilmington, Raleigh, New Bern and four other towns in the east; at the next session the Federal government was authorized to take possession of a tract of land in Fayetteville for a Federal arsenal, that being the origin of the United States arsenal there.

Chang-Eng, Siamese twins who had been touring the country on exhibition having settled near Salem, complained to the Legislature that the sheriffs were exacting money from them. Having married they had separate farms and residences for their respective families.

At last, on January 23, the longest session of the Legislature on record came to an end. As it was the beginning of the biennial sessions, the succeeding session would be in 1838.

**The financial crash**

In May 1837, two months after Van Buren's inauguration, the financial conditions resulted in a crash. The banks suspended specie payments. The government deposits being in State banks could not be transferred in ordinary course to the centers where they were needed for payment. Van Buren devised a new plan of Treasury finance, holding the funds in the Treasury vaults at Washington. For this there was no particular regulation prescribed by Congress but Van Buren persisted, and such was the origin of the present sub-treasury system.

The panic had its effect in North Carolina as elsewhere, but there were no great disasters incident to it.

**The railroads**

In the meantime work was progressing satisfactorily on the Raleigh and Gaston Railroad and on the Wilmington and Weldon, which absorbed the little road from Halifax to Weldon, but the individual stockholders in neither of the other roads subscribed enough to obtain the State's aid. In some measure local interests determined the attitude of localities toward the various projects. Fayetteville with its western trade and connections was anxious for the con-

struction of the Yadkin road, usually called the Fayetteville and Western. Wilmington, the seaport of Fayetteville, was in favor of this projected line, but when it was proposed to make Beaufort the seaport of Fayetteville, Wilmington suggested a road from deep water in Bladen along the South Carolina line to the west, cutting out Fayetteville. These interests were not concerned with the connection from Raleigh to Gaston and Petersburg.

When the Petersburg road approached the Roanoke, it proposed to have Blakely, above the rapids, on the northern side for its terminus. The road from Raleigh to connect with that line had for its original terminus a point above the rapids that was called "Gaston" in honor of Judge Gaston. The passengers and freight were transferred across the river over a bridge. The Portsmouth road had obtained a right to construct a bridge across the river at Weldon, and when that bridge was completed, trains starting at Halifax in December, 1837, ran through to Norfolk. While Wilmington and Raleigh had their northern lines in progress and there seemed no hope for east and west lines, Morehead, the actual leader of the central west, wanted a road from Salisbury to Milton. Roads were proposed from New Bern to Waynesboro and from Raleigh to Waynesboro, but the country west of Raleigh was considered too rolling for a railway and a turnpike was proposed in that direction.

December,  
1837

Morehead's  
road

### Conflicting interests

As the time for the election of a Governor approached, Dudley desired to retain the office. The Whigs generally approved, but the Guilford interests were not forward in his support. They were in favor of Morehead and the Milton railroad. Dudley, however, became the Whig candidate and Governor Branch, likewise an eastern man, was his Democratic opponent. The success of the Wilmington and Weldon due to its southern connection inspired the Raleigh interests connected with the Raleigh and Gaston to promote construction on the Raleigh and Columbia scheme, while the eastern counties sought an outlet for their own products. About that time some South Caro-

Dudley and  
Branch



1838

Wilmington  
seeks  
Greensboro

Konkle:  
Morehead,  
186

linian had applied the name "Rip Van Winkle" to North Carolina and it became a favorite in popular use. Wilmington, however, was wide awake, and called attention to the fact that in six months she had dispatched 152 vessels to foreign ports and 150 coastwise, taking out a million dollars worth of exports; and confessedly in the interests of Wilmington and Fayetteville a proposition was made to hold "a commercial and agricultural convention" at Greensboro, with the expectation of promoting a line from Fayetteville westward that would connect Greensboro with Wilmington. On July 4, 1838, such a convention was held, Governor Dudley, a Wilmington man, presiding. Morehead, a member of the convention, took no great part in the proceeding unless it was to stifle action, so that "the only specific measure decided on was a Raleigh Convention to be held early in December when the Legislature was in session." Greensboro was more interested in a northern connection than in an eastern port.

### The election

The result of the election for Governor could have been easily forecast. The tide was with the Progressives. Dudley held his own at the August election, and Branch fell behind Spaight some nine thousand votes. While the Cape Fear Democrats stood firm, the loss in the northeastern counties and from Granville west was notable. Dudley's majority was 14,156. Although the Democrats virtually held their Congressional districts, they lost both houses of the Legislature. The Senate was at first, apparently, evenly divided; Lewis D. Wilson of Edgecombe and Andrew Joyner of Halifax, being the contestants for the speakership at first tied, but Carson of Rutherford abandoned Wilson and gave Joyner the majority. In the House, William A. Graham had 61 votes to 49 cast for Michael Hoke of Lincoln, a strong Democratic county.

### Dudley's message

Governor Dudley had confidence in his convictions. In his message, he proposed that the State should unite all her

resources in one great State bank with a capital of ten mil- 1838  
 lions, absorbing all the then existing banks, and offering it  
 as a depository for the Federal revenue. He suggested that  
 this bank, if established, should subscribe half a million  
 dollars to the Fayetteville and Western Railroad, a propo-  
 sition that was not in line with the ideas prevailing in the  
 section of which Guilford was the center. He adverted  
 to the languishing state of agriculture and the want of at-  
 tachment of families to their farms and homes, and as a  
 remedy proposed a homestead exemption for each family,  
 dependent on the size of the family. But after all, he de-  
 clared that the permanent prosperity of the State depended  
 on internal improvements, which alone could benefit the  
 people and remove the existing temptation to emigrate.  
 "Temptation is around them, the stimulants to emigration  
 are almost irresistible."

The only road that had benefited by the Legislature al-  
 lowing the State's subscription was the Wilmington and  
 Weldon. "Ninety miles of this road is now in use, and  
 continued by stages and steamboats of the best description,  
 carrying travelers from the Roanoke to Charleston, . . .  
 and the road will be completed next year."

The  
 W. & W.  
 R. R.

The required individual subscriptions not having been  
 made to permit other companies to apply for the State's  
 subscription, he urged that the State should take even three-  
 fourths of the stock of the Cape Fear and Yadkin Railroad  
 as he considered that road of vital importance to the western  
 counties. Indeed, he declared, if necessary he would have  
 the State subscribe for all the stock to insure its being con-  
 structed. South Carolina and Virginia were calculating on  
 drawing all our trade to those states. He proposed a road  
 from Bladen west to meet the South Carolina attempt, and  
 to open the inlet at Nags Head to arrest the Virginia oper-  
 ations. Some twelve hundred vessels, said he, "now cross  
 the Ocracoke bar annually, and produce of the value of  
 one million passes through the canal (to Norfolk) besides  
 immense quantities in other directions to the Virginia  
 markets." Among his other suggestions was one of a road  
 from Raleigh to New Bern. His general proposition was

Commerce  
 of the  
 sounds

House  
 Journal, 293



to conserve State interests by sending out our products through our own ports. The bank panic, with its suspension of specie payments and incidental business depression, had interfered with the construction of the two railroads then being built. Both now needed aid.

Internal Im-  
provements  
Convention

When the Internal Improvement Convention met, "it compared favorably with that of 1833." Judge Saunders presided. It memorialized the Legislature to carry out the program contained in the Governor's message. Instead of a railroad to Greensboro it recommended a survey for a turnpike from Raleigh to Greensboro. To meet these expenditures it recommended that the State should borrow \$3,000,000. All of these important matters were referred by the Assembly to the committee on internal improvements, which reported December 26:

1. That the State should guarantee a loan of the Raleigh & Gaston Railroad on good security.
2. That a subscription should be made of  $\frac{4}{5}$  of the stock of the Fayetteville and Yadkin road.
3. That the 4th installment of the State's subscription to the Wilmington & Weldon Railroad be immediately paid.
4. That the State subscribe for  $\frac{3}{5}$  of the stock of the Roanoke Inlet Company.
5. For the survey of a route of a McAdamized road from Raleigh to Greensboro.
6. That the State borrow \$2,600,000 for the above purposes. In another report the Committee recommended that a road be built from Beaufort to Waynesboro, the State taking  $\frac{3}{5}$  of the stock.

This was the original movement for what afterwards took shape in the construction of A. & N. C. R. R.

David Stone writing from Raleigh said: "The Governor in his message recommended four magnificent projects for Rip Van Winkle, but I apprehend his recommendations will hardly be met, as we are rather too sober and prudent a people to make high adventures. The States' Rights men hold the balance of power, as neither of the old parties can make a majority without their aid. So far they have moved with the Whigs, and I suppose will continue to do so." These were the men in sympathy with Calhoun and South Carolina, and out of line with the administration. On the subject of internal improvements, they justified Stone's views of conservative action. On December 31, on motion

of Hoke, the proposition to borrow \$2,600,000 was stricken out in the House from the resolutions. Then the House struck out the clause authorizing a subscription of four-fifths of the stock of the Cape Fear and Yadkin Railroad, and refused by a vote of 53 to 56 to substitute a three-fourths subscription; that vote being the nearest approach to agreement. Thereupon on motion of Mr. Erwin of Burke, the entire report and resolutions were laid on the table.

Senate  
Journal, 188

In the Senate, likewise, on motion of Mr. Dockery the entire set of resolutions was laid on the table. The Senate, however, passed a bill to aid the Raleigh and Gaston Railroad by 30 to 18. When this bill came to the House it was at first laid on the table, but eventually passed 54 to 52. The Treasurer was to endorse the company's bonds up to \$500,000, taking a mortgage on the property as security.

On a tie vote the bill to pay the subscription to the Wilmington and Weldon passed the Senate; but in the House it was amended and it was not thereafter considered in the Senate. The Senate, however, on motion of Mr. Morehead passed a resolution that the subscription should be paid only as the private subscriptions were paid. The State eventually agreed to take three-fifths of the stock in the Fayetteville and Western road. But still looking at our water transportation, the Assembly required the Board of Internal Improvements to have some engineer of distinction to report on the practicability and cost of opening a channel between Albemarle Sound and the ocean at Nags Head. Our Senators and Representatives in Congress were requested to obtain an appropriation by Congress to open that inlet. There was at that time a fear that Ocracoke Inlet was closing.

Ibid., 220

Nags Head  
Inlet

As the Raleigh and Gaston road connected with the Petersburg road at Gaston, a charter was granted for the construction of a road under the name of the Weldon Railroad from Littleton or some other point on the Raleigh and Gaston to Weldon, to connect with the Portsmouth road. Resolutions were passed looking to the establishment of a lunatic asylum and also to the construction of a penitentiary.

The Weldon  
road



1838-9

**Common schools established**House  
Journal, 296

The Governor had mentioned that now the income of the Literary Fund would be from \$120,000 to \$150,000, sufficient to warrant establishing a public school system. One of the greatest drawbacks, said he, was the absence of teachers, so he urged the opening of a school for the training of teachers, and also the employment of a permanent commissioner to superintend that branch of the service. No longer was there need to defer action, and the Assembly now responded to the Governor's suggestion. By far the most important act of this session was the long-postponed Common School bill.

Ibid., 536

The school  
bill

On December 1, Senator James O. K. Williams of Beaufort offered a resolution that the Committee on Education be directed to report a bill establishing free schools in every county, and the resolution passed unanimously. Senator William W. Cherry of Bertie was chairman of that committee. On December 27 he reported the bill to the Senate and on January 2 it passed unanimously. In the House, the next day, Dr. Fred J. Hill, of Orton, Brunswick County, called it up and offered an amendment, providing for the election of a Superintendent of Public Instruction, "whose duty shall be to visit and examine the schools in every section of the State and confer with the school committees, modeling the school houses, seeing that the teachers are competent, select textbooks, require reports and collect general statistics and report to the General Assembly." The Senate bill was taken up in the House January 5, all after the enacting clause was stricken out and another bill substituted and the substitute passed. Two days later, the Senate refused to concur; the House would not recede. A Committee of Conference was appointed. On the same day, Cherry from the Committee of Conference, reported a bill agreed upon by the committee, composed of Cherry, Shepherd and Mosely, Senators, and Boyden, Hill and Gilliam of the House. The Senate passed it unanimously and the House concurred. Its chief provisions were that at every election precinct, at the next election, polls were to be opened and all voters in favor of raising by taxation one dollar,

for every two dollars to be furnished by the Literary Fund, was to vote for "Schools," those opposed "No schools." In such counties as voted for the tax, the justices were to elect not more than ten superintendents of common schools. These superintendents were to divide their counties into school districts, not more than six miles square, and they were to appoint not more than six school committeemen in each district. Twenty dollars was to be collected by taxation in each district, and the Literary Fund was to supply \$40; and the schoolhouses were to accommodate at least 50 children. At last the beginning was made, such as it was, for the education of all the white children of the State.

There was much other business done. The largest corporation authorized was the Washington Mining Company, in the county of Davidson; Roswell King, John W. Thomas and their associates being the stockholders and the capital was fixed at half a million dollars. As the State House was now nearing completion an appropriation was made for the reconversion of the "Government House" into a residence of the Executive.

The changes made in representation had not destroyed partisanship. In the Whig House there was a proposition made to establish a new county at the west to be called Jefferson. That name was objected to and as a substitute Blakely was proposed, but unavailingly. Then Madison was suggested, but the House rejected that also, the vote being 29 to 83. The bill eventually passed the House by eight majority, 61 to 53. It, however, failed in the Senate. The Senate could not stomach Jefferson.

House  
Journal, 359

The persistence of Senator Benton had eventuated in the United States Senate reversing itself in its action censuring President Jackson and that body had, by a vote, expunged its former resolution. Rayner, an active partisan, sought with the aid of the Calhoun men to bring about the resignation of the two Democratic senators, Brown and Strange, who had voted for the expunging resolution, without, however, resorting to the Democratic doctrine of "instruction." He offered resolutions declaring that the United States Senate ought to again reverse itself and

Expunging  
resolution

Rayner's  
move



"ought now to pass resolutions condemning that act and rescinding the expunging resolution." And further denouncing Jackson's administration, the last of his resolutions was: "Resolved that our Senators in Congress will represent the wishes of a majority of the people of this State by voting to carry out the foregoing resolutions." When these resolutions came up in the House, a motion to postpone them was lost by 54 to 58. They were then daily considered for a week. On December 21, Hoke moved to amend them by adding: "Provided, we do not mean hereby to condemn the patriotic efforts of our late President against the United States Bank," but this failed, yeas, 56 to 63 nays. Another amendment offered was: "And our Senators are hereby instructed so to do"; this also, was lost, 54 to 64. The Whigs would not instruct. The resolution passed 63 to 56. In the Senate, the same proposed amendments were voted down, 23 to 25, and the resolutions were passed by the same vote.

Position of  
the Senators

During these proceedings, Rayner, the author of the resolutions, on December 5, long before they were passed, wrote: "I believe it is now pretty well understood that we shall have no Senators to elect this winter, as it is the impression of both parties that neither of our present Senators intend to resign as was once contemplated." But, notwithstanding, the proceedings were carried to a conclusion. On hearing of the adoption of the resolution, and before they had been officially informed of them, the Senators addressed a communication to the Legislature saying in substance, that "if instructed they would either obey or resign, but they must infer that the Legislature did not intend to exercise the right of instruction"; and they asked "if they were wrong, to be informed." When this communication was read in the Senate, Senator Cherry offered a resolution that, "the resolutions passed by the Legislature were sufficiently plain and intelligible to be comprehended; and we believe the inquiry is not in good faith; that it would be inconsistent with the self-respect of the General Assembly to make any reply to it," which was agreed to.

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When the Senate communicated its action, the House concurred, 59 to 44, and then refused to let the communication of Senators Brown and Strange be entered on the Journal of the House. The two Senators, however, were not complacent, and not being instructed, but rather referred to the wishes of a majority of the people, they held on until in February, 1840, when, a new election coming on, the people could give expression to their wishes. They then resigned.



## CHAPTER XXV

### CONDITIONS IN 1840

The small increase in population.—The Cumberland Road.—Removals from New England.—The North Carolina emigrants.—Those at home.—The State Bank.—The Federal deposit.—Agriculture.—Commerce.—Wilmington; other ports.—Ocracoke.—Nags Head Inlet.—Cotton factories.—Internal Improvement Convention.—North and south lines.—Fayetteville's efforts without avail.—Few capitalists at the west.—Western highways.—The Capitol.—Bechtler's coins.—Schools.—The facilities.—Academies.—The Senate willing, the House opposed.—Denominational efforts.—Davidson College; Wake Forest; Trinity.—Partridge's military schools.—Raleigh and Fayetteville.—St. Mary's.—The other seminaries.—Marshall Ney.—Relative illiteracy.—Pupils at school.—The Wilmington and Weldon Railroad.—The Raleigh and Gaston.—The celebrations.—The steamboats.—The press.—The Cherokees.—Sequoya.—The Indian removal.—Some remain.—General Scott's operations.—The boom in prosperity.—The Robeson and Person County Indians.

#### Population

By the census of 1840 North Carolina had a population of 484,870 whites, 22,732 free negroes, and 248,807 slaves. During this decade there had been no increase in the slaves and but 12,027 in the whites, being less than three per cent increase in that period, while a normal increase would have been about 16 per cent. The removal of white population was apparently about 68,000. No wonder Governor Dudley inveighed so strongly against it! But the removal of whites in South Carolina was even relatively greater, for the increase in whites in that State was only one-half of one per cent. Similarly in all the other Atlantic states there was a tide of emigrants westward. Nor was New England behind. The Cumberland road to the west was authorized in 1806 by Congress to be built with Federal appropriations, beginning at Cumberland on the Potomac and running to near Steubenville on the Ohio River. It was to be four rods wide and constructed as a turnpike, slight grades, hard surface. It was continued through Ohio in 1831 and

through Indiana and Illinois in 1835. This Cumberland road played an important part in the settlement of the northwest. The New England states vied with those of the South Atlantic in this work of expansion. In the apportionment of Representatives under the census of 1840 all of the northern states lost representation; and the increase of population in Connecticut, the land of steady habits and common schools, was for the decade four per cent, being only slightly more than in North Carolina. The movement from New England is indicated by Irving in describing Ichabod Crane's fancied journey from Sleepy Hollow, having taken to wife the blooming Katrina, moving "with a whole family of children, mounted on the top of a wagon loaded with household trumpery, with pots and kettles dangling beneath, and he himself bestriding a pacing mare, with a colt at her heels, setting out for Kentucky or Tennessee—or the Lord knew where."

George C. Mendenhall writing from Columbus, Ohio, in July, 1837, after mentioning the wonderful growth of towns in Ohio, almost in sight of each other, the rapid improvement, with fine, sturdy and splendid buildings, added: "I am, however, left with a strong impression favorable to North Carolina." North Carolina's share in bestowing on the Union the states of Missouri, Alabama, Mississippi, Arkansas, and Florida, and in building up Indiana, Louisiana, Kentucky, Tennessee and Georgia was important, although it was at her own great sacrifice. Among her citizens who had migrated before 1849 were 37 who represented other states in the Federal Congress. Besides these, there were a multitude of other North Carolina emigrants who attained eminence in their new homes, adorning the professions and filling state offices. The "Alabama fever" had especially prevailed, and a large proportion of the population of that State was of North Carolina nativity. While a dozen native North Carolinians represented Tennessee in Congress, at least ten represented Alabama. And among those emigrants were many men of the first class, men of substance, carrying with them so many slaves that there was no increase of slaves in the State. Particularly should be mentioned Presidents Jackson, Polk, and Andrew

Emigrants

The  
Alabama  
fever



Johnson; and Vice-President W. R. King; and among the Senators Thomas H. Benton of Missouri, William Allen of Ohio, Dixon of Kentucky, McLean, Illinois; Gabriel Moore and Israel Pickens and Senator Dixon H. Lewis who weighed 500 pounds of Alabama, and Jesse Speight and Thomas H. Williams, Mississippi; Hugh L. White and John Williams, Tennessee, as were Luke Lea and Emerson Ethridge; C. C. Cambreling, who located at New York, was among the most influential of the public men of his day. Among these of North Carolina descent were Bishop Galloway, Basil Manly, Bishop Green, Davis, Hawks, Dr. D. R. McAnally, John B. New and Joseph New, "pioneer preachers in Indiana"; Archibald Yell, Governor of Arkansas; Alfred W. Arrington, author; John Shoebridge Williams, founder of the *American Pioneer*, Cincinnati, editor and author. Miles Darden, who moved to Tennessee, was 7 feet 6 inches tall and weighed 1,000 pounds. A. J. Pickett, the historian of Alabama, Richard Jordan, the Quaker missionary, and Richard Jordan Gatling, the inventor of the rapid fire gun. The loss of such men to the State was deplorable indeed.

By this withdrawal of the emigrants and the sale, often at a great sacrifice, of their property, the value of the land was kept down, and stagnation promoted. As compared with the valuation of 1815, the assessed value of the lands, despite the addition of a million and a half of new entries, was still two millions of dollars below the old level.

#### **Ideals of the public men**

In any view of the State one should not omit to note the superior excellence of the galaxy of really great men who adorned life in the Commonwealth. Whatever were the limitations imposed upon them by the unfortunate physical conditions of the State, they themselves were possessed of great personal merit. The order for Canova to make a statue of Washington is but an illustration—while the Capitol itself was at the time of its erection one of the most remarkable buildings in the United States—an example of perfection in architecture.

The judges of the State took high rank in judicial circles, and the "bar" was of superior merit. Dr. James McRee, a correspondent of the French Academy and of the Royal Society at London, was distinguished as a man of science, and famous as a botanist. Hardy B. Croom was likewise famous as a botanist, as was also Dr. Moses A. Curtis. There being no considerable urban population and the towns being small, the spirit of authorship was not fostered. Besides Mrs. Gales, only Judge Strange ventured into the realms of fiction. But later C. H. Wiley followed their example. Oratory, however, was practiced, and there were many, who like Cherry and Hill, were particularly distinguished for excellence.

### Finances

During the year 1836, the new State Bank went into full operation. The State had borrowed \$400,000 to pay for its stock, and had 4,058 shares. The capital stock was \$1,500,000, which now was all paid in. There were branches at New Bern, Fayetteville, Tarboro, Elizabeth City; and agencies at Charlotte, Wilmington, Morganton, Leaksville, Milton and Windsor. The State also owned shares in the Bank of New Bern and the Bank of Cape Fear. Under the new act for assessing property, the aggregate value in 1837 exceeded that of 1836 by \$11,916,488; being about five millions less than it would have been under the standard of 1815. There was an apparent want of uniformity in the valuations.

The "surplus revenue" deposited by act of Congress gave a new coloring to public affairs. It had to be so invested that it might be returned. The general result is evidenced by the increased valuation of lands. That was the last year of the service of Samuel F. Patterson as Public Treasurer. His successor was David W. Courts who received in 1837 three installments of the surplus revenue, amounting to \$1,433,757.



### Industry and commerce

While agriculture languished yet here and there were men of intelligence and of means whose operations set an example that others might well have followed. Indeed nearly every public man was engaged in planting. Chief Justice Ruffin had a fine farm in Alamance, and in Orange should be mentioned Paul C. Cameron, who early delivered addresses before the agricultural societies that are models. And in his farming operations he was ahead of the times. He wrote from Farintosh: "We have finished our crop of wheat; 800 bushels have been seeded. I am devoting a large part of our labor to manure making. Shall shorten our crop of corn and cotton and enlarge the tobacco crop." Others were equally advanced in their operations. Near Wilmington, rice planting was remunerative. The prosperous plantations of the Dan and Roanoke rivers found their markets in Virginia. The middle west traded with Fayetteville, and Fayetteville's port was Wilmington. Robert W. Brown writing about this time of that town says that "he has had goods delivered at Fayetteville from New York within a week and ten days. . . . Our produce is particularly adapted for the markets of the West India Islands; and the shipping of Wilmington and of the northern states, as well as foreign vessels, load here and depart for the West Indies, in as many directions as there are islands, their cargoes assorted with sawed lumber, staves, shingles, flour, rice, pork, bacon, lard, butter, naval stores, etc. A large proportion of our produce is transported coastwise to various ports—New York, Philadelphia, Baltimore and Boston principally, and vice versa, the merchants and dealers of Wilmington and Fayetteville, embracing two extensive interiors of the State are furnished with a variety of merchandise from sundry ports of the northern coast, especially from New York. Regular packets ply between Wilmington, New York and Philadelphia. Steamboats of good capacity ply on the river below Wilmington. Indeed it was shown that Wilmington in six months had dispatched 152 vessels abroad and 150 coastwise, carrying a million dollars of exports." Likewise, the Internal Improvement Convention

Ruffin  
Letters III,  
188

of 1838, in its memorial to the Legislature, said that "the tonnage of vessels employed in the foreign and coast trade of Wilmington exceeded that of Norfolk, Richmond and Petersburg combined, although Norfolk was visited by more foreign vessels than Wilmington. . . . Cotton, now mostly packed in square bales, similar to that of South Carolina or Georgia—freight to England one-half to five-eighths. Shipments to France direct are made from Wilmington: Rice, 200,000 bushels, equal to any. Charleston dealers send for it to clean there and export it. . . . Tobacco is uniformly purchased from the planters by the merchants at Fayetteville and sent down to Wilmington for sale and to be shipped. Flour and wheat from Fayetteville. Flax seed is brought in wagons to Fayetteville. The seed is sown with no other view than to produce flax for domestic purposes. Crops in former years about 3,000 tierces. No other market in the southern states. Tar, turpentine—in abundance. The several distilleries working up turpentine in the home market now consume weekly 1,500 barrels of that raw material and it has become a great item of business here. They produce rosin, spirits of turpentine, and make varnish and pitch, lumber, staves, shingles."

Chronicles  
of the Cape  
Fear, 157

While we have no similar account of the trade from New Bern, Edenton and other ports, yet in 1838 the Governor reported: "Some twelve hundred vessels now cross the Ocracoke bar annually—and produce of the value of one million of dollars passes through the canal, besides immense quantities in other directions to the markets of Virginia."

House  
Journal  
1838, p. 291

The importance of securing better facilities for the promotion of this commerce had led to persistent endeavors to open a new inlet at Nags Head. Surveys had been made and the feasibility of the enterprise was declared by competent engineers. Congress therefore was appealed to for assistance.

### Cotton factories

The spinning jenny and hand loom were still in use in every part of the State. Cotton, wool and flax were abundant; and hatters here and there plied their trade. And the



*Western Carolina*, proudly boasting of western enterprises, pointed to the cotton factories at the west; one at Lincolnton, two at Fayetteville, one at Greensboro, others at Milton, Mocksville, Salem, in Randolph, at Lexington; and in Orange County, and nine others building! Then there were those in the eastern counties, particularly in Edgecombe.

### Internal improvements

In 1833 many meetings were held in the interest of internal improvements and on the 4th day of July a committee assembled at Raleigh, 120 delegates being in attendance, representing 21 counties in the eastern and western sections of the State. Governor Swain presided, Treasurer Samuel F. Patterson and Charles Manly were secretaries.

In this convention Hon. William A. Graham urged as the policy of the State three north and south lines of railroads. He was antagonized by Joseph A. Hill of Wilmington, who advocated the old Caldwell idea of east and west lines, marketing the products of the State through North Carolina ports. Hill won the victory. The convention adopted resolutions to the effect that the Legislature ought to raise by loans such sums as will afford substantial assistance in the prosecution of the public works. That no work should be encouraged for carrying produce to a primary market out of the State; that the Legislature be asked to take two-fifths of the stock of the companies; that a corresponding committee of 20 be appointed in each county; and that a second convention be held on the 4th Monday in November. In November the second convention met—and the General Assembly held a joint session at which the members of the convention were received—and their memorial was delivered to the Assembly. The recommendation of this convention as to the proposition of State aid became the basis of legislation.

The first real effort to open up the interior was by Fayetteville, and east and west lines were kept in view. In March, 1833, the city of Fayetteville being authorized to borrow \$200,000 to be invested in the Cape Fear and Yadkin

road, it was hoped that enough private subscriptions could be obtained to build the road. But in May such subscriptions as had been made were returned to the subscribers, it being stated that the project was abandoned because the western people took no interest in it and would not subscribe.

Chronicles  
of the  
Cape Fear,  
1307

It sufficiently appears that there was but slight accumulation of funds for investment at the west, as the field products yielded only small net returns, and there were measurably few capitalists in that section. The project of water communication between the Yadkin and Cape Fear had failed; that of a highway between Fayetteville and the Rapids had failed, and, now, the hope of a railroad from Fayetteville to the west virtually faded away, although for several years there continued to be efforts made to secure subscriptions for such a road, but they were unavailing. The old dirt roads and turnpikes that led to the western counties continued to be the only channels of transportation. Of these there were some. There had long been roads to the Watauga settlement, and before 1800 several roads led out of Asheville, and in 1824 the Buncombe turnpike was started and four years later completed from Saluda Gap by the Warm Springs to Tennessee. Later, the turnpike, known as the "State road" from Asheville southwest was constructed; and when General Scott was in the mountains he cut some other roads.

In 1834 the mail route from Saluda to Asheville was by way of Lincolnton and Rutherfordton. The Warm Springs was a resort in the early days, "and in 1828 when Billy Vance kept the Warm Springs Hotel, old-fashioned stage coaches ran between Asheville and Greenville, Tennessee.

Arthur:  
History of  
W. N. C.,  
243

The new methods of transportation by steamboat and locomotive brought no changes to Western Carolina. While the east was building important facilities for transportation, at the west turnpikes were being constructed—some in part by the State and known as the State roads—those being particularly through the mountain region. But from Fayetteville to the Buncombe turnpike, more than 250 miles, there was neither navigable stream, nor "railroad turnpike" nor "Macadam highway." And "the roads from Raleigh

House  
Journal  
1842, p. 411



and Fayetteville west are the worst in the State. . . . The productions of the Yadkin Valley therefore go to Camden and Columbia; and those of the farther west, to Augusta and Charleston. . . . Cotton is going there at six cents, corn at \$1.00 a barrel, and wheat so low that it takes one-half to transport the other half to market."

Konkle:  
Morehead,  
409-411

### The Capitol

Work on the Capitol having been begun and the plan being for a grand building, a number of skilled artisans were brought from Scotland for that work, and year by year appropriations averaging about \$75,000 were made for the purpose. At first there were changes made in the personnel of the commissioners, but finally, when State pride was aroused by the splendor of the structure as it progressed, entire satisfaction prevailed. The building for which at first there was a question whether the appropriation should be \$20,000, or \$50,000, when completed, cost \$530,000. Among the commissioners were William Boylan, Duncan Cameron, Judge Henry Seawell, Judge Saunders, Samuel F. Patterson, Charles Manly, Beverly Daniel, Alfred Jones and Charles L. Hinton, whose services to the State and to posterity entitle them to gratitude. The architect of the Capitol was David Paton, whose account of the plan shows that many of the beauties of the structure are modeled after famous specimens of architecture that adorned ancient edifices.

### Bechtler's coin

In 1830 a skilled worker in gold and silver, Bechtler, a native of the Grand Duchy of Baden, being then about fifty years of age, came to this State, and because of the native gold in the southwestern counties he began about 1832 to mint it into dollars. His assays were so just that his coinage was accepted not only by the community but by the government officials as being of standard value. There were two brothers, one of whom had a son; and all were engaged in this work. They struck off both \$1 and \$5 pieces.

Sou. Hist.  
Assn.  
Papers,  
X, 67

Probably their coinage amounted in all to about two millions of dollars. Somewhat later the gold fever became so pronounced that hundreds of people flocked to the mines and some planters carried their negroes from the east to wash for gold. But the profits did not justify the operations and the fever died out.

### Schools

In the absence of statistics we can only surmise that illiteracy was on the increase in the State. There were no free schools. However, the individual efforts that had long been made were not unavailing. The University, at first of only a "preparatory" rank, now furnished a classical education. And there had for a generation been many fine schools and academies of merit, although these were patronized only by the children of educated parents who could pay the tuition.

In 1801 it was recorded that there were many respectable academies in the State. "In 1810, the progress in ten years in civilization and education had been greater than during the preceding fifty years. In Edgecombe, fifty years earlier, "there was not more than one or two schools in the county. . . . Progress was slow, until the last two or three years. In 1812 it was said there were seventeen county schools, with 400 pupils, but no academies. However, conditions were deplorable, two-thirds can read, one-half of the men write, but not two-thirds of the women."

With Edgecombe as a sample, we can imagine the general condition, except in the communities where schools had long been established.

In 1822, it was remarked that "Within the last twenty years, academies have been established by individual subscribers and individual exertions in almost every county in the State." Besides the academies, there were old field schools, taught for say two months only. It was doubtless to the teachers in these schools that President Caldwell referred in saying, virtually, that they were a disgrace to the State and to the communities that employed them. That they were inefficient is sufficiently indicated by the unfortunate



condition that prevailed in the counties where a considerable part of the people could neither read nor write. And all the counties were measurably alike in that respect. The need for free schools was apparent, but the State was more an association of counties than a unified community; and the opposition to taxation was insurmountable. In 1818 Mr. Martin had offered a bill establishing schools by taxation. It passed the Senate almost unanimously but was postponed in the House. Six years later Charles Hill of Franklin proposed to create a fund for public schools, the Senate passed it two to one. It failed in the House. Mr. Sam P. Ashe offered a bill, making a direct annual appropriation to each county. It failed. The *Western Carolinian* said: "Mr. Ashe is for completing the whole system at once. His zeal in the cause has misled him." From Edgecombe came a cry: "Free schools on whatever plan," but the cry was without avail. Among the academies, the female school at Salem was of the first reputation, then those at Raleigh, Warrenton, New Bern, Wilmington and Fayetteville were deservedly in the front rank. The schools of Bingham and Rogers stood high.

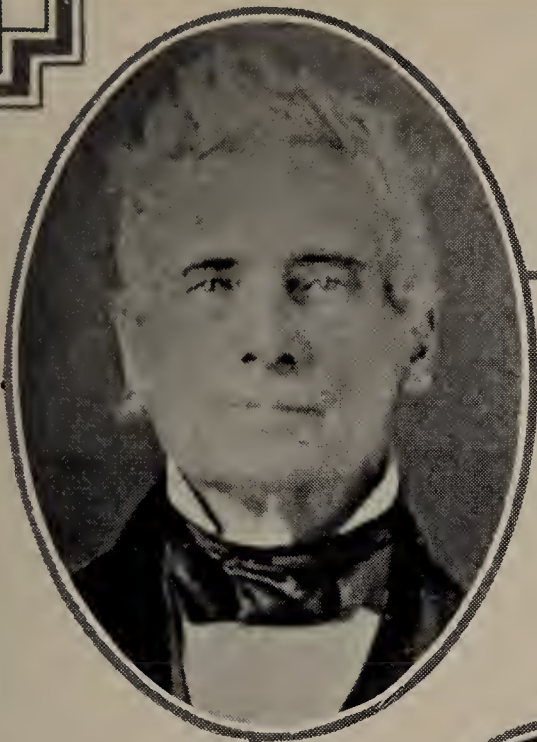
Religious  
conditions

In the progress of events the several denominations felt the need of more active exertions. A more religious spirit diffused itself throughout the State. Atheism that had somewhat prevailed, perhaps in sympathy with French thought, had subsided, and the life of a new generation was quickened under the ministrations of strong and earnest preachers and teachers, who were in entire accord with the notable characteristics of the people, reverence for law and an attachment for the Christian virtues.

And so at this period all the denominations were actively at work. The Presbyterians and Methodists had for years been organized. The Episcopalians organized in 1823 by selecting a Bishop, and in 1830 the Baptists held their first convention at Greenville in Pitt County.

Education was one of the objects all denominations proposed to promote. In 1820 the Presbyterians of the north-western counties broke ground for a western college to be of the same rank with the University, and at a meeting at Lincolnton trustees were appointed; but the endeavor was

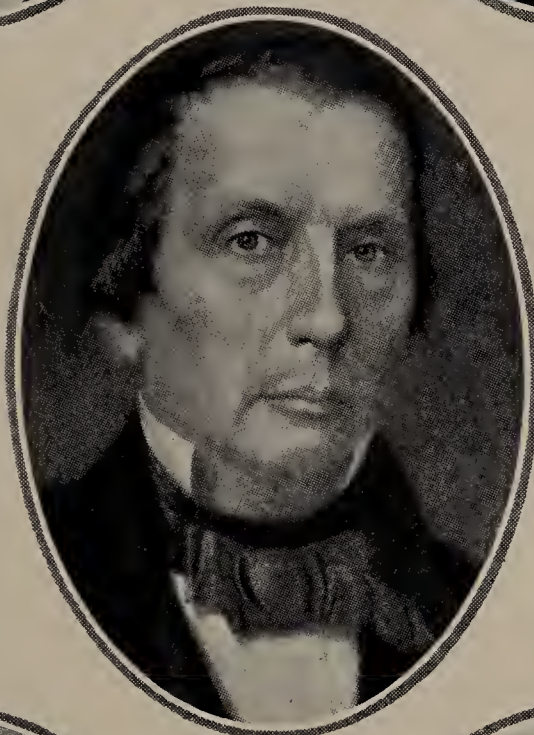




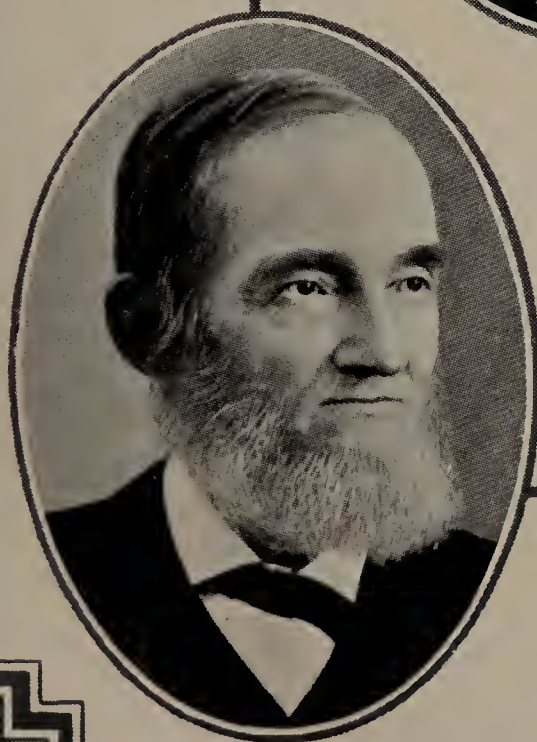
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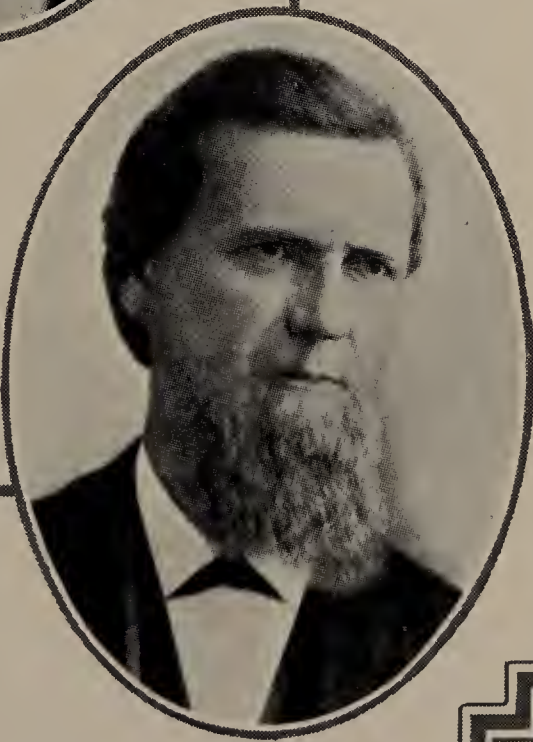
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3



4



5

1. Samuel Wait

4. Calvin H. Wiley

3. David L. Swain

2. Robert H. Morrison

5. Braxton Craven





not then successful. The necessary subscriptions were not obtained. Robert H. Morrison, who had in 1826 established at Fayetteville the first religious newspaper published in the State, was much interested that the Presbyterians should start a school. And he was a believer in the principle of a manual labor school and saw the practical bearing of such a movement, that it would be interesting to the Presbyterian farmers, and at length, in 1835, at the instance of Rev. James E. Morrison, his cousin, the Presbyterians of Concord, Bethel and Morganton resolved to establish a manual labor seminary, and to call it Davidson College. On March 1, 1837, the institution was opened, Rev. R. H. Morrison, D.D., being its president. Dr. Morrison was easily one of the first men of his generation. Stonewall Jackson, General D. H. Hill, Gen. Rufus Barringer and Judge Avery were fortunate in marrying his daughters.

Davidson

In 1833, the Wake Forest Institute, a manual labor school, was opened in Wake County, and at the Baptist State Convention that November, a board of five trustees was appointed, and in 1835 Judge Gaston delivered the address before the two literary societies. In 1839 it was called Wake Forest College. The manual labor feature was soon dropped. Its first president was Rev. Samuel Wait, D.D., who was indeed the father of the institution.

Wake Forest

In 1839 Brantley York opened a school in the neighborhood of Hopewell and Springfield, called the Union Institute and then the Normal College. In 1841 Braxton Craven was employed as a teacher. The next year he became the principal, and from that grew Trinity College under the patronage of the Methodists. And this was the beginning of the great institution of that name. Of Braxton Craven it may be said that perhaps no other educator of this State left a finer and better impress on a considerable number of students than he did.

Trinity

It will be observed that "manual labor schools" were in the public mind; indeed they seem to have been favorably regarded at that period when public education was in its infancy. In Washington City, Congress incorporated two institutions of that character.



Military  
schools

About 1829, Captain Partridge, who had long conducted a famous military school in Connecticut, visited North Carolina and determined to establish two schools similar to his own in the State. Mr. D. H. Bingham opened the first of these schools at Littleton; but, after moving it to Oxford, finally located it in Raleigh, occupying the former residence of Chief Justice Taylor. The other was located at Fayetteville. This Major Bingham built the Experimental Railroad at Raleigh, in 1833, but later became the construction engineer of a railroad in Alabama.

## St. Marys

The Episcopalians started a boys' school at Raleigh under the general supervision of Bishop Ravenscroft in 1824, the principal being Mr. George W. Freeman (afterwards Bishop Freeman). This school was continued, perhaps with some interruption, for a decade. In 1834 it was under the direction of Joseph G. Coggs, who afterwards was the librarian of the Astor Library of New York. Later, the school was under the famous Dr. Moses A. Curtis, and Dr. Adam Empie. It was located on the grounds known as "St. Mary's," and the two old stone buildings still in use were then erected and occupied. In 1840 it was discontinued as a male school; but after some years was reopened as a female school under Dr. Aldert Smedes, and has ever since been a noted female seminary.

Female  
academies

The Greensboro Female Academy had been started in 1829 as a department of the Greensboro Academy; and now the Edgeworth School was opened at Greensboro, that was destined to exert a most beneficial influence over that section of the State, as the female schools at Murfreesboro, Warrenton, Halifax, Pittsboro, Louisburg, New Bern, Wilmington, Fayetteville, Raleigh and elsewhere were similarly exerting in their respective communities.

Indeed, in nearly every county was a school of merit. At Greensboro in 1821 Jonathan Worth was a teacher, and in Caswell, Bartlett Yancey had been a teacher.

Among the teachers who left their impress on many families in the western counties was one who called himself Peter S. Ney, and it was currently believed that he was Marshal Ney. He evidently had the training of a soldier. He came to this State in 1819, and taught school in Iredell

County and elsewhere till his death in 1846. He was, says Judge Murphey, "a well-educated, intelligent Scotchman." His son who died at Indiana about 1912, when over a hundred years of age, bore the name of Neyman. He caused to be inscribed on his tombstone: "Son of Marshal Ney of North Carolina." For nearly a generation, this "Marshal Ney" taught many of the boys of the better class in the western part of the State.

While, therefore, education had not been furnished to the poor children of the State, it must not be forgotten that in other states the same conditions then prevailed; and that illiterates among our people had their counterpart in every other state of the Union.

Nor was there any other state with a white population no larger than that of North Carolina that had so many pupils at school in 1850.

### **Railroads**

As the Wilmington and Weldon Railroad and the Raleigh and Gaston Railroad were being constructed, each from its terminal, stage coaches were used to fill the gap, but finally early in 1840 both were completed.

The first train ran through from Weldon to Wilmington on March 7, 1840. The construction was begun in October, 1836, Governor Dudley being the president, but when elected Governor he retired and General James Owen became president. The chief engineer was Walter Gwynn with Matthew T. Goldsborough of Maryland in charge of the southern division and Francis N. Barbasin of the northern half. The last spike was driven near Waynesboro, and the point became the town of Goldsboro.

The road like all others of that date was laid with wooden rails, on which were fastened plate iron, two inches wide and about half an inch thick. At the time this company was chartered, the railroads, being in their infancy, were considered as having the nature of turnpikes; and the provision was made in the charters that others could run their own vehicles or carriages over them as turnpikes. The companies were authorized to establish toll gates and charge tolls



for the use of the roadway; and they had authority to buy such carriages and horses as they would themselves need in transportation.

Chronicles  
of the  
Cape Fear

But in 1840 locomotives were already in use. Twelve locomotives were running on the Wilmington road, two built in England; five at Philadelphia and three at Richmond. They were named for the eleven counties the road ran through, and Bladen. There were eight coaches, patterned after stage coaches, but with eight wheels; also fifty freight cars. Four steamers of the first class, owned by the company, continued the route to Charleston.

In that nascent period, it has been said "engines were doll-babies." The coaches were somewhat like the stage coach they superseded. While the engines could make speed, say ten miles an hour, they had but little traction. Sometimes the end of an iron rail would become loose and, rising, would be forced up by the wheel, and would pass up into the coach, occasionally impaling a passenger. The last unfortunate occurrence of that kind recalled was when about 1845, the daughter of Governor Dudley was returning from Petersburg with her infant son, later Judge Purnell. The iron rail struck the infant on the forehead and penetrated the nurse, causing her death. But about 1845 the flat iron was replaced by the improved U rail, which soon gave place to the T rail.

At Raleigh

The construction of the Wilmington and Weldon Railroad was easy, as the land over which it passed was level, and its course generally straight. The Raleigh and Gaston had more difficulties to overcome, and when it was proposed to build a line from Raleigh to Greensboro, it was held that the hilly country rendered it impracticable.

While the locomotives had been running on the Wilmington road, then the longest railroad in the world, and on the upper part of the Gaston road, it was not till towards the end of March, 1840, that the first locomotive entered Raleigh. The Raleigh road to Gaston having completed its 86 miles, the Tornado, the largest of its engines, came rolling into the city. There was the greatest enthusiasm. "The bells rang, the artillery roared, and the people cheered." The engines used wood for fuel, and their puffing was a

new sensation. All sorts of quirks and jibes were in the mouths of the people.

Chew—Chew—to go ahead  
Chew—Chew—to back her.

The completion of the roads produced much excitement. At Wilmington, beginning April 5, they had three days of rejoicing and 160 rounds of artillery were fired. At Raleigh, the Capitol having been finished, a joint celebration was arranged, beginning June 10 and continuing three days. It attracted distinguished and patriotic people from every section, and in some respects was the greatest celebration in the annals of the State. The Gaston road was built under George W. Mordecai as its president; but when completed Samuel F. Patterson, of "Happy Valley," who was distinguished for his capacity and business abilities, and who had served as State Treasurer with great credit, was elected president and administered its affairs.

The  
rejoicing

Steamboats had been a success. They plied on the eastern waters. At Fayetteville the Cape Fear and Western Steamboat Company now was incorporated with a provision that its charges should be 20 per cent less than those previously allowed the Henrietta Company. The four fine steamers running between Wilmington and Charleston in connection with the Wilmington and Weldon Railroad Company were equal to the best then built. Passengers, freight and the mail from the north to the farthest south now came by way of Wilmington to Charleston; and from the first, the possibilities of that route were realized.

Steamboats

### The press

In the State there were some temperance, religious and other publications, but the newspapers were chiefly political; of these there were twenty-five, the Whigs controlling two-thirds of the number and generally having superior editors.

At Raleigh, Joseph Gales, who had given a high tone to the press, had urged Sunday schools, Bible societies and every innovation that promised to promote a higher civilization, as well as such propositions as would advance the



prosperity of the State, had given place to his son, Weston, who continued in his footsteps. And the *Standard*, started in 1834 by Philo White, was now published by Thomas Loring, and led the Jackson Democrats. At Fayetteville Edward J. Hale had established the *Observer*, a powerful Whig advocate, extensively circulated at the west. At New Bern, the *Spectator* was well edited, the Greensboro *Patriot* under Lyndon Swaim, took rank with the first papers in importance. At Hillsboro, Dennis Heartt continued the *Recorder*. Salisbury had the *Carolina Watchman* under J. J. Bruner; and at Lincolnton were the *Republican* and the *Courier*. At Wilmington were the *Messenger*, afterwards known as the *Journal* when published by Fulton and Price, and other papers of consequence. There were some twenty-five of these political papers located at nearly every town but many having only a limited circulation. Still they kept politics at a boiling heat.

Nearly every newspaper man had a bookstore, and also a print shop, publishing such books as were offered.

### The Indians

Under a treaty of 1817, over six thousand of the Cherokees who occupied territory east of the Mississippi and reaching into North Carolina, moved to the far west; but many who did not wish to go remained.

These eventually formed a government patterned after that of the United States. Indeed, they were undergoing a process of civilization, and about 1821 a half-breed known as Sequoya, but called by the whites George Gist, invented a Cherokee alphabet; and soon many of the Indians could read and write in it. Newspapers and books were printed in this alphabet, and a Cherokee grammar was eventually printed.

This performance was in after years so highly esteemed that upon the discovery of the great redwood trees in California, which American botanists at first called "Washingtonians" and the British Wellingtonians, an Italian gave them the name of Sequoya, and this name was adopted for them.

At length the treaty of 1836 was agreed to by most of the head men of the Indians and the United States commissioners, under which the Indians were to remove. But notwithstanding the terms in the treaty as agreed upon by the chiefs, a large number of the Indians did not wish to give up their eastern residence. Nevertheless President Jackson, in submitting the treaty to the Senate for ratification, said he had determined that none should be allowed to remain but all should go out together. This treaty was ratified by the Senate with this as a supplementary article; which, however, does not seem to have been assented to by the Indians.

Statutes at  
Large VII,  
488

The Indian territory extended eastward to the Nantahala Mountains, and in 1835 the Indians in North Carolina numbered 3,644. In this treaty it was said that this tribe was so civilized that whenever Congress should provide for admitting a delegate from the tribe, it should be entitled to have one. By a treaty of 1835 it was provided: "Such heads of Cherokee families as are desirous to reside within North Carolina subject to the laws of the State should be entitled to 160 acres of land, so laid off as to include their present dwellings." Under such circumstances, all the lands obtained from this tribe by the State, was at this period opened to entry; and at the session of 1838, a new county was cut off from Macon, called Cherokee. Then further east, another new county was laid off called Henderson. The west was now increasing in population. Buncombe, Burke, Rutherford, Lincoln, Iredell and Wilkes were among the counties polling the heaviest vote in the State. When these Indians were to be removed beyond the Mississippi, only about 2,000 went voluntarily. General Scott at the head of a force, numbering 7,000 men, was charged with their removal. He established his headquarters at New Echita, which had been the capital of their government, and began his operations. He erected a fort at the junction of the Little Tennessee and Nantahala, and another twenty miles up the Nantahala, and others at points where now stand Robbinsville, Hayesville, Old Valletown and Murphy. The Indians fled to the mountains. Various de-

Indian  
treaties, 483



plorable incidents occurred; and at length it is said the General made an agreement that 1,000 might remain, and about that number were not removed.

Arthur:  
Hist.  
W. N. C.  
576

Ten years later, a treaty was made recognizing their right to remain, adjusting their rights under the treaty of 1836.

About 1830, You-na-gu-ska, the principal chief of the Cherokees about Qualla, assembled his people and got them to abandon the use of spirituous drink, and they became so civilized that soon "each family was capable of reading the Scriptures in their own language, and manufacturing their own clothing, and they understood farming and the mechanical arts as well as their white neighbors."

Wheeler,  
206

General Scott's army remained in our mountains about two years, and as it had to be supplied with provisions from the country, the farmers in the vicinity reaped a rich harvest. Everybody was prosperous. Lands rose in value. Hundreds of settlers pressed forward and entered lands. When the State had a public sale of lands, they brought three times their former value, part of the payment being deferred. Later, when the boom was over, the purchasers were in distress, and the State had to compromise with them. In addition, large entries had been made within the Indian territory before the State had title, and litigation ensued.

Moore's  
Report  
Leg. Doc.  
1848

### **Robeson and Person County Indians**

In addition to these Indians, there is a community in Robeson County, formerly considered as negroes, but having such Indian blood in them that the Legislature has designated them as Indians. They probably derived their Indian descent from the local tribes of the Cape Fear, and the first admixture of white blood was probably with some of Steed Bonnett's pirates who may have escaped in 1719.

In Person County there is a similar community extending well into Virginia. These likewise were formerly considered free negroes, but now are designated as Indians. In 1714 the Governor of Virginia set aside a reservation south of the Meherrin River, for the Saponies, Occoneechees and Tollerio Indians who inhabited central North Carolina.

The origin of the Person County Indians may be connected with these old North Carolina tribes.

W. and M.  
Quarterly,  
1923,  
p. 153

## CHAPTER XXVI

### THE GREAT CAMPAIGN

State organization.—Morehead and Saunders for Governor.—Harrison nominated for President.—Owen declined to be nominated for Vice-President.—Tyler taken.—Democrats nominate Van Buren.—Birney also runs.—The campaign.—Internal improvements.—Morehead and Saunders.—The distribution of the public lands.—Attitude towards the negro.—Log cabins.—Hard cider.—Coon skins.—The Whig triumph in August.—The demonstration at Raleigh.—The ship.—The Old North State.—The rollicking campaign.—The Assembly.—Mangum and Graham Senators.—Dudley's message urges penitentiary and asylums.—Nags Head Inlet.—Pungo and Alligator Canal.—Progress in draining swamps.—Transportation from New Bern to mountains.—The depressed values.—The protest against personal liability for corporate debts.—A view of the west.—Hall and Battle Judges.—Cleveland, Caldwell and Stanly incorporated.—Aid to the railroads.—Turnpike in Buncombe.—Proposition to repair statue of Washington.—Manufacturing companies.—Education.—The new school law.—Morehead inaugurated.—Congressmen to be elected in May.—Badger Secretary of Navy.—Special session of Congress.—Election.—Death of Harrison.—The Whigs break with Tyler.—The Federal and the Republican Whigs.—Mangum.—The State campaign.—Henry and Morehead.—Adams petitions to dissolve the Union.—State matters subordinate to Federal concerns.—Morehead elected.—Death of Lewis Williams.—Democrats have the Assembly.—The railroads.—Morehead's recommendations.—The schools.—New apportionments.—The senatorial contest.—Haywood elected.—The instructions.—The effect of Morehead's message as to public land, etc.—Fires at Wilmington.—Sir Charles Lyell.

#### The election

Prior to the change in the Constitution providing for the election of the governor by the popular vote, there had been no statewide election. The nearest approach was the choice of electors for the districts, those candidates receiving the highest aggregate vote in the entire State being chosen. Practically the counties of the State had been the repositories of power and the system was a representative republic. With the advent of the Whigs, there were local

1840



committees and central committees, and county committees, in a word, State organization.

In 1839 the friends of Morehead, who had long been one of the most important western members of the Assembly, began to bring him forward as the successor of Governor Dudley. County after county in the central west followed the lead of Guilford in presenting him; and when the State Whig Convention met at Raleigh, on November 12, it unanimously nominated him. On January 9, 1840, the Democrats selected Judge Romulus M. Saunders, who being on the bench, at once resigned. For four years the candidates had been of the east; now the west was arrayed against itself. Both candidates announced themselves in favor of common schools and internal improvements; but Saunders did not favor going into debt.

Earlier, the "Democratic-Whig Convention" met at Harrisburg, December 5, James Barlow presiding. While Clay was perhaps the favorite of the North Carolina Whigs, it was deemed improbable that he could be elected. For two days the delegates canvassed the situation, and it was found that General Harrison, who had been the candidate of the northern Whigs four years before, was deemed the most available candidate, and he was selected. Governor Owen was chairman of the nominating committee, and it is understood that he could have been nominated for Vice-President, but his position seemed to him inconsistent with the acceptance of the proffered honor, and he declined; whereupon, John Tyler of Virginia, a delegate, who was thought to be in line with the convention on all important questions, was selected as the candidate.

Sargeant's  
Clay,  
198-199

The Democratic Convention met at Baltimore and President Van Buren was again presented as the Democratic nominee; but the nomination of the Vice-President was referred to the states. In June the Democratic Central Committee called a State convention for July 9 and R. M. Johnson of Kentucky received the endorsement of the convention for Vice-President.

### The campaign

There was now another candidate in the Presidential field—James G. Birney, abolitionist, set up by the “Liberal party”—but the people of all the states generally adhered to their old party organizations. Everywhere the campaign was warm and interesting, but nowhere more so than in North Carolina. The railroad celebrations, where the Whigs emphasized their devotion to internal improvements, had a particular bearing on the campaign. Then in June the Senators resigned, to be effective when the Legislature should meet. While asserting that the resolutions passed by the last Legislature were not instructions to resign, they yet desired, they said, to submit the matter to the people. Thus as two Senators were involved, unusual interest centered in the result of the election; besides, while the campaign generally throughout the Union was one of intense popular interest, it was particularly so in this State and famous for its picturesqueness. Every party device was called into requisition. There were most thorough local organizations, committees in the precincts, meetings and joint discussion. The press teemed with invective and fierce pamphlets were distributed.

The campaign formally opened at Hillsboro with a joint discussion between Morehead and Saunders. The latter was thought to have had the best of it. While the joint canvass was not continuous, these principal figures in the contest often met on the hustings. In April and May they made their campaigns in the northeastern counties. At Snow Hill, Greene County, they met on May 14. A correspondent wrote: “This has been a great day for Snow Hill. Never since the days of the giants, have our sandhills been the arena of so great intellectual war as we have witnessed today. . . . As a Whig, I may be pardoned for believing that Mr. Morehead bore away the palm. His broad and smiling countenance, lighted up with perfect good humor, is occasionally irresistible. He has winning ways to make men love him. The strength and energy and unwavering directness of his attacks tell with tremendous effect. But he who supposes that General Saunders is but

Morehead  
and  
Saunders



a plaything for Mr. Morehead, or anybody else, has mistaken the man. Some parts of his speech were truly eloquent.

Of Morehead, the *Carolina Watchman* said: "There are few men who can combine so many popular qualities as John M. Morehead, highly gifted by nature, with an eloquence, strong, clear and convincing, he combines the rare qualities of genuine wit." On May 22, the candidates met at Oxford. "Judge Saunders opened the debate, spoke three hours and a half, and delivered a speech that did him much credit; for a Van Buren man, it was candid and open. We were somewhat uneasy and began to think that his ingenuity could not be successfully answered." But this Whig reporter was later comforted. "Morehead's speech was admitted on all hands to equal, if it did not surpass, any speech ever delivered here. At times the audience was enchained by his eloquence, and then again amused beyond expression by the introduction of humorous caricatures of the powers that be."

At Raleigh the Whig paper was to the same effect. It sufficiently appears that the candidates were well matched, although Morehead doubtless had more humor in his addresses. It was indeed a contest of fine intelligence and acquirements and highly creditable to the State. Among the points in these and other debates was the Whig proposition to distribute the public lands or their proceeds between the old states. The national Democrats had taken a position against that; and that question would not down, but remained in the political arena until the opening of the Civil War. Another was the attitude of the national candidates toward slavery, and in some measure that involved the record of each of the candidates, for both had been equally kindly disposed towards the negro. Van Buren was much inclined to abolitionism, and that, and the charges against the administration of extravagance made against the whole Democratic ticket. As had long been the case, Federal politics and Federal questions were given greater prominence than purely State matters, and the Whigs were the attacking party, thus having an advantage. Then, besides, an effort

to belittle General Harrison, who at least merited fair treatment by his fellow citizens, reacted to his benefit. Some Democratic editor thought to stigmatize him as a common backwoodsman, saying: "Give Harrison a log cabin and a barrel of hard cider, and he will not leave Ohio." The Whigs took up the gauntlet and the campaign became known as the "Log Cabin" campaign, every town and county having its "Log Cabin," as the meeting halls of Whig assemblages were called, and "hard cider" and "coon-skins" played an important part. From Maine to Louisiana and Missouri, hills and valleys rang with the echoes of the Whig war cry. In this State, there was a multitude of meetings, the greatest being the assembling of Whigs from sixteen counties at Salisbury in July, where the utmost enthusiasm prevailed. Following fast on that demonstration came the August election. Old Zip Coon carried the day. The Whigs were triumphant even beyond their calculation. Morehead carried forty-one of the sixty-one counties and rolled up a popular majority of 8,581, with a strong Whig Legislature at his back. Four years earlier although Dudley carried the State by 14,000 majority, Van Buren received the electoral vote in November. The Whig leaders did not propose that such a reverse should occur again, and the presidential campaign now became intensified, the leaders on both sides redoubling their efforts. But the Whigs were the most astute. They held a great convention at Raleigh in October, where enthusiasm knew no bounds. Every device to heighten the excitement was resorted to. While it was a week of "Log Cabins," of music, processions, songs and addresses, Wilmington contributed a spectacle that particularly appealed to the inland people. Earlier in the year that community had been visited by a terrible conflagration that swept from the river across the business portion of the town, even beyond the courthouse, devouring everything in its path. But notwithstanding such a loss, the political energy of the Whigs did not abate. A ship, full-rigged and beautiful to look on, was built at the shipyard. It was named the *Constitution*. A crew of captain and six men were aboard, and bedecked with flags

Attack on  
Harrison

At Raleigh

The ship



and colors she was brought to Raleigh. Here she was the center of attraction and was borne in the procession amid constant cheers. When the great demonstration had closed the ship was left, to be awarded to that county whose vote in November showed the greatest relative increase over the previous vote. Surry County won the trophy. In the processions, the counties carried banners such as "Whig in 1776 and Whig in 1840," emphasizing their devotion. On the second day, the convention sang Judge Gaston's song, "The Old North State Forever," then for the first time published. This song, now famous, had been written by Judge Gaston incidental to an exhibition by an Austrian troupe at Raleigh, who sang a Hungarian song. The music appealed to Miss Taylor, Miss Lossie Hill and others. The girls hummed the music to the Judge, who wrote the words to the tune. Of the Whigs during that long campaign, some one has written: "If one could imagine the people declaring a holiday or season of rollicking for a period of six or eight months, and giving themselves up during the whole time to the wildest freaks of fun and frolic, singing, dancing and carousing, he might have a notion of the extraordinary scenes of 1840." Nor was the enthusiasm without result. Four years earlier, the total vote in North Carolina was 52,656, now it was 79,491. The Harrison vote was 46,316 and that for Van Buren 33,175. Wilkes County went for Harrison nearly fourteen to one; Montgomery, nearly eleven to one, and other large western counties, six to one.

The new  
Capitol

When on November 16, 1840, the Legislature assembled in the new Capitol, "A noble building, and honorable to the State, and will descend to posterity as a proud monument of the spirit of the age," assuredly, the Whigs were proud indeed. What the Governor called "This peaceful revolution" had been accomplished. "The people had declared against the administrations of the Federal and most of the State governments," and now the Whigs are to "calmly survey the position we occupy and prepare ourselves with energy and dignity to meet the crisis."

In the halls were assembled many of the most famous of the public men, representing each party. In the Senate

were Strong, Joyner, Shepard, Speed, Mangum, Worth, Dockery, Clingman, Gaither, Bynum, Hawkins, Whitfield, Arrington, Kerr, McDiarmid, Reid, Wilson and Edwards; and in the House men of equal stamina and reputation. Joyner was chosen Speaker of the upper branch by seven majority over Lewis D. Wilson, while in the House, where the Whigs had thirty majority, William A. Graham was re-elected without opposition.

The first business was to elect Senators to replace those who had resigned. A correspondent of Judge Ruffin wrote him: "The Legislature will do nothing until they have made the elections of Senators. Mr. Mangum is the first choice of all, as it is said, the victory will not be complete until he is restored to his seat. Judge Gaston has but to say that he would go into the service, and no one would stand in his way." Mangum and Graham were chosen over the former Senators. It was a proud day for Mangum, who now had the popular verdict in his favor. And while both Brown and Strange were equal to the high duties of Senators, yet Mangum and Graham suffered nothing by the comparison. Governor Dudley had now served four years, one year longer than any other Governor since the time of Alexander Martin and in his last message he gave a disquisition on political affairs that indicates his mastery of the subject.

The  
Senators

Dudley's  
message

The two railroads had not made money and were embarrassed. He recommended an increase of a million dollars in the capital stock of both the Bank of the State and Bank of Cape Fear, and the State to take stock, on condition that they lend the roads three or four hundred thousand dollars. He urged the construction of a penitentiary, of lunatic and orphan asylums and houses of refuge. And he mentioned that "most of the counties had adopted the common school system; that Major Walter Gwynn had made a survey of Nags Head showing that the inlet ought to be opened there; that the draining of the swamp lands had progressed; Pungo Canal was finished and the Alligator Canal half done; and some 15,000 acres of land were ready for market. He urged that Neuse River be rendered navigable as high up as practicable and a railroad be built from

Canals and  
swamps



Depression

there to Raleigh, and a turnpike on to the mountains. Private subscriptions had not been obtained to secure State aid to the Fayetteville and Western Railroad. While the panic had not perhaps been so disastrous in its effect in North Carolina as elsewhere, yet Governor Dudley put on record: "We see every species of property greatly sunk in value; slaves depreciated at least 50 per cent; land yet more; and lots in our most favored places scarcely selling for the costs of improvements. Very few farms yield legal interest and in the aggregate not two per cent of their value."

### Water powers and manufacturing

House  
Journal, 615

When the bill incorporating the Little River Manufacturing Company was before the House and an amendment was offered and adopted, making the stockholders individually liable for its debts, a strong and lengthy protest was entered by Ham Jones, B. F. Moore, Dr. Fred Hill and a dozen others. In it these members, after mentioning the water powers in the western part of the State and the stimulus given to manufacturing, said "the natural fruit of the peculiar position of the western half of the State is already disclosing itself in factories for the fabrication of yarn and cloth, while the local riches of its mines are becoming daily the subject of attention and industrious enterprise, through the operations of combined capital, united under the advantages of corporate powers. But capital is scarce." This protest is a masterly presentation of the subject, and it affords evidence of conditions in 1840 that is highly illuminating.

The  
railroads  
aided

Judges Saunders and Toomer having retired from the bench, the Governor had appointed Edward Hall of Warren and W. H. Battle. The Legislature now elected these gentlemen, this being the beginning of Judge Battle's long, useful and illustrious career on the bench. Several new counties were proposed; and Cleveland, Caldwell and Stanly were incorporated. The west was coming into its own. The railroad companies needing financial aid, the Wilmington and Weldon Company was authorized to issue \$300,000 mortgage bonds which the State was to endorse; and, similarly, the Raleigh and Gaston Company was authorized to

issue \$300,000 of mortgage bonds, which the State was to endorse and besides the mortgage of the road, the stockholders were to execute their personal bond for \$500,000 which was to be renewed every two years. And in case that company failed to pay its interest, the Governor was to ask the court to appoint a receiver, and in case of nonpayment of principal, the Governor was to foreclose the mortgage. A similar proposition with regard to the Wilmington and Weldon Railroad was defeated by yeas 45, nays 62; and the bill to aid that road passed in the House by four majority. To make it easier for the North Carolina Central Railroad Company from Beaufort to the Wilmington Railroad to organize, the charter of that company was amended, fixing the capital stock at one million, but there was a proviso that the State "shall not be bound" to take any part of the capital stock. A company was incorporated to construct a turnpike from Rutherford County into Buncombe, the capital stock to be \$10,000, of which the State was to subscribe one-fourth.

House  
Journal, 540

The Whigs being now in full control adopted a political resolution affirming the position of the Southern Whigs in regard to the public lands, and requesting the congressmen of the State to have a division of the proceeds of the sales of the public domain among the states. Another resolution authorized Mr. John Frasier, a native artist of New York, to repair the statue of Washington, but nothing came of that action. Among the corporations authorized were the Little River Manufacturing Company, the Crow Creek Company, and the Beaver Creek Company—Cumberland County at least was awake to a manufacturing spirit; the Salisbury Manufacturing Company, the Concord Manufacturing Company, and the North Carolina Land and Mining Company with a capital of one million. Nor was education forgotten. Floral College was incorporated, as were academies at Asheville, Rutherford and Kenansville; and to aid Wake Forest College ten thousand dollars was lent to that institution. The first payments of the State to the counties for common schools, were: 13 school districts, Tyrrell; 16 school districts, Cherokee; 22 school districts, Richmond;

New  
corporations

Education



The tax  
clause

New school  
law

Morehead  
Governor

9 school districts, Macon: up to November, 1840, only \$2,400; but the next year the payments were \$32,836; and in 1842, there were \$65,277. A new school law was introduced in the Senate and passed, but in the House there was much opposition, based on the Federal plan of distribution, and also on the levying of any tax by the county courts. On this last proposition the vote stood 42 against the tax, and 69 to retain the tax; and strange to say some of those who opposed the tax were strong men and chiefly from the west. But there was no provision for a State Superintendent. The school law as amended required the distribution among the counties of the net income of the Literary Fund; and that the counties should raise by taxation one-half of the amount it would receive under the distribution; also that the school committeemen should be elected by the voters of the districts; and, along with many other regulations, statistical reports were required to be made to the Board of the Literary Fund. The great stumbling block in regard to the school bill was whether the fund should be distributed on the basis of the white population or on the Federal basis, adding in the negroes at three-fifths; the east being for the latter. In the House it was proposed to take a vote of the people on that question but the motion failed 33 to 76. Governor Morehead was inaugurated with great ceremony on January 1. Under the statute, representatives in Congress would have been regularly elected in August, but in case of an emergency, the Governor was authorized to hold an earlier election.

### In Congress

1841

The adjournment of the Assembly was soon followed by the inauguration of the Whig President who invited Judge Badger to take a place in the Cabinet as Secretary of the Navy. Such was one of the first fruits of the national victory, and the Whigs were enthusiastic. Already in the State they had replaced Democratic judges, solicitors and other officers with their own political associates, and their spirits were high, for now, with a Whig Congress and President, they would undo the Jackson measures which

they had denounced as so harmful to the country, and substitute their own policies.

The President lost no time in calling a special session of Congress to convene in May, and under the new act the Governor being empowered to call an election of Representatives, Governor Morehead fixed the date of the election May 12. The time was short, the campaign vigorous, the Whigs having the ear of the people, and the result was favorable to the administration, only five Democrats being chosen, among whom was Judge Saunders who now entered national politics.

But there was trouble in store for the administration. On April 4, 1841, when in office but one month, President Harrison died, and Vice-President John Tyler succeeded him. Congress now prepared to carry out the Whig measures founded on Clay's principles. The proceeds of the public lands were to be divided among the states: the Sub-Treasury act of Van Buren's administration was repealed, and a bankruptcy act was passed, and to these President Tyler assented.

Tyler  
President

In the opinion of some of the Whig leaders the most important of all the measures of the time was the establishment of a national currency that would pass at par in every part of the Union. This was of particular interest to North Carolina, for our banks had suspended specie payments and there was much pecuniary distress; now hope arose that the financial troubles might be remedied. Indeed, the general condition of the country was extremely bad. Some of the states had made great debts, chiefly for internal improvements, which they could not pay. Repudiation was urged in some of them and, indeed, Mississippi did resort to it. Now, however, resumption of specie payments was expected and sound finances were in view when, without warning, the Philadelphia successor to the Bank of the United States, conducted by Biddle, again suspended payments and the bank troubles at once became acute. Such was the situation in the early days of the session of Congress, when Henry Clay addressed himself to the preparation of a new bank bill. It passed, but President Tyler deemed such an act

Bad  
financial  
conditions



The Whigs  
revolt  
against  
Tyler

not warranted by the Constitution and vetoed it. Congress then passed a modified bill, which he likewise deemed unconstitutional and vetoed. He urged that the subject might be left open until the regular session, but those in favor of the bank would now brook no opposition. Three days later the session closed, amid terrific denunciations of the President; and in November the Cabinet, except Webster, resigned.

Two  
divisions of  
Whigs

There was, however, much diversity of opinion among the Whigs on the subject of the bank as on other subjects. They had consolidated in opposition to the Van Buren administration but widely differed among themselves on other subjects; in every state there being similar divisions. In North Carolina, Gaston, Badger and Graham stood with Clay as "Federal Whigs"—Mangum, Owen and Dudley were "Republican Whigs." Governor Morehead was strong for states' rights, but was a mere Whig without any additions, and, indeed, whenever they had to encounter the common adversary, Whig leaders submerged their differences and stood solidly together. In particular it is to be mentioned that Mangum, who had not been devoted to Whig Federal policies, now in the Senate, took such strong ground against the President that he rose to a high place in the esteem of the Whig Senators, and in May, 1842, he was chosen President pro tem of the Senate, occupying the position of Vice-President, so in case of a vacancy in the Presidency he would have succeeded to that office; and, remarkable as it is, in February, 1844, President Tyler escaped death by only a few moments when two of his Cabinet were killed by an explosion on the *Princeton* in February, 1844.

Mangum  
president of  
the Senate

### Morehead and Henry

With the opening of the new year, the Democrats held a convention at which rallying speeches were made by W. W. Avery, Thomas Bragg, David S. Reid, John W. Ellis and Louis D. Henry. The latter was presented as the candidate for governor, while three of the others afterwards became governors. Three months later, the Whigs

met in convention and nominated Henry Clay for President, 1842  
Morehead being their choice for Governor.

Already Henry had entered on his campaign, and now Morehead announced his own appointments. The canvass chiefly involved matters of Federal concern. Henry's health was poor and he made the western circuit in hopes of being benefited. On May 20, his followers had a grand rally at Salisbury, where many of the western leaders assembled and delivered addresses.

At length Morehead and Henry met at Fayetteville in joint debate, the Governor opening and speaking three times, and Henry twice. They each occupied over five hours, the debate lasting ten hours and a half, and the candidates indulging in charges and counter charges. In particular Morehead adverted to Henry's inconsistencies, saying that in Henry's letter of acceptance he had spoken of debts for internal improvements, as gambling debts created for the prosecution of wild schemes of improvement, whereas Henry himself had favored borrowing five millions of dollars for State improvements and favored that the State should take two-fifths of the stock, where individuals would take three-fifths; and in certain great works Henry had even favored that the State should take all the stock. Henry affirmed that he still stood with the recommendations of the Internal Improvement Convention of December, 1833.

The joint  
debate

Morehead did not then develop what he himself stood for, but in his message when the Assembly opened he said: "I would recommend that whatever schemes of expenditure you may embark in, that you keep within the means at the command of the State; otherwise the people must be taxed more heavily or the State must contract a loan. The pressure of the times forbids the former, the tarnished honor of some of the states should make us, for the present, decline the latter." If Henry had inveighed against wild schemes, certainly Morehead did not approve of them; and it seems as if there were no great differences between the candidates on that subject. But on Federal matters the difference was patent.



The special session of Congress ending in September was closely followed by the regular session in December, the Whig leaders in violent opposition to the President.

Petition for  
dissolution  
of the Union

1842

With the opening of the year, January 21, John Quincy Adams brought the slavery question again to the front in Congress by presenting a petition signed by some of his Massachusetts constituents, praying for a dissolution of the Union because they could not abolish slavery. That and the attendant circumstances raised a commotion that doubtless had some political effect on the ensuing campaign.

For ten years the compromise tariff policy had been observed. Now, however, the needs of the treasury required increased revenue, while the Clay Act to distribute the proceeds of the public lands among the states cut off that source of supply. After months of heated discussion a tariff act was passed, which the President vetoed on June 29, and this, too, had its resultant influence on the country.

Democrats  
carry the  
Assembly

Aug. 1842

Such were the conditions during the political campaign, when State affairs received but slight attention and Federal matters were deemed of the highest consideration. Morehead's campaign was vigorous and he was aided by all of the Whig leaders, but while the Democrats generally were equally active, Henry was forced by ill health to abandon the field. The trend was against the Whigs; however, at the election Morehead won by 3,532 majority, his vote being 6,500 fewer than he received two years earlier, and Henry polling 1,500 fewer than Saunders. Now, however, the Democrats elected both branches of the Assembly. The adverse decision of the people was a great blow to the Whig leaders, but Governor Morehead's retention still gave them hope that they could hold the State for Henry Clay.

Mangum

Dickens

The session of Congress beginning December 6, 1841, lasted until August 31, 1842, and on May 4, 1842, Mangum became President of the Senate which he continued to be until March, 1845. While he presided, Asbury Dickens, also of North Carolina, was secretary of the Senate. Dickens was elected in December, 1836 and continually thereafter, until July, 1861.

On February 23, 1842, Lewis Williams, who had been the representative of the Surry district continuously since 18th of March, 1815, died at Washington, his remains being interred at Panther Creek. His service of 27 years had not been exceeded, and he was called "The Father of the House." Only 56 years of age he was still in the prime of his manhood, and ranked high among the members. At a special election Anderson Mitchell of Wilkesboro was elected his successor. Congress had revised the representation in the House, according to the census of 1840, and North Carolina under the new act lost four representatives, having only nine instead of thirteen. Since the last Assembly, Governor John Owen, William B. Meares, Edmund Jones and Doctor McPheeters, all men of great excellence and superior characteristics, had passed away.

Williams

Loss of  
representatives

Deaths

### The Legislature

When the Assembly met November 21, 1842, the Democrats had a considerable majority. Wilson and Joyner were again contestants for Speaker of the Senate, and Wilson was chosen by ten majority. In the House Calvin Graves of Caswell was elected over Daniel M. Barringer of Cabarrus by sixteen majority. While the territory within fifty miles of each railroad line had shown marked improvement yet the previous cessation of business, the stagnation of the entire country, had had a disastrous effect on the earnings of the railroads. Governor Morehead in his message mentioned that under previous legislation, the State had endorsed for the Raleigh and Gaston \$800,000; and for the Wilmington and Weldon \$250,000, and was a stockholder to the amount of \$600,000. They were both embarrassed, and their affairs needed attention. He recommended the construction of a line from Gaston to Weldon, connecting Raleigh directly with the roads at Weldon. He inveighed heavily against improvident debts and repudiation. He urged turnpikes to be built to the west, and particularly a west turnpike from Raleigh, which should also be extended east to Goldsboro. On all matters of public concern, the message was progressive, strong and forcible.

1842

Morehead  
urges  
turnpikes.



The financial condition had so far improved that the banks had resumed specie payments. The State Bank proposed to wind up and this attitude of the private stockholders awoke a strong resentment among the members of the Assembly; but the trouble blew over and no action was taken. The bank continued in business.

The public  
schools

The school law had now been in operation about two years, and the disbursements by the Literary Fund for schools in 1842 had reached \$65,277, being twice as much as for 1841. By the census taken in 1840, based on the statistics of the previous year, North Carolina had in attendance on all schools 19,453 pupils, and in common schools 14,937. The system of public education was then in its infancy. Three new counties had come into it in 1842, and now the Legislature amended the school law, requiring the polls to be opened at the next election in every county that had not entered the system, and again submitting the matter to the people. Year by year progress was made until the next census showed over 104,000 children in the public schools.

### **New legislation**

There was now no demand for new railroad building, and, indeed, only little for turnpikes. But as recommended by the Governor, the terminus of the Raleigh and Gaston road was eventually moved to Weldon, some fifteen miles east of Gaston. The Nantahala turnpike was chartered to be along the "State road," in Macon County. The Legislature yielded to the wishes of the people interested and established the new counties of Union, Catawba and McDowell. It apportioned the representatives anew, and laid off the counties into fifty senatorial, eleven electoral, and nine congressional districts. It incorporated ten academies, and several insurance companies and manufacturing companies. There was much discussion over the railroads that were in such trouble, but while no important action was taken the wishes of the companies were acceded to.

Graham

William A. Graham had been elected to the Senate to replace Judge Strange. Senator Graham greatly impressed

himself on the public men at Washington and was active in matters pertaining to North Carolina. He urged the government to make a survey of a canal across the banks for an entrance into the sound, which was done by army engineers; and in 1842, a bill was passed to erect a United States marine hospital near Ocracoke because of the large number of seamen engaged in commerce passing into the sound; but if the department erected the hospital it does not seem to have been maintained. Senator Graham's term would expire March 3, 1843. To fill the vacancy an election was had. Judge Strange had returned to the practice of law and was solicitor of his district. He did not seek a reelection, Bedford Brown, who had been "instructed out" by the Whigs along with Strange, was a candidate. But Judge Saunders, who now was in the House, desired to go up higher, and he also stood. Neither of the aspirants would retire, and for eighteen days the balloting continued with no change; the Whigs voted for Graham. At length, Thomas Bragg, tired of such a display, proposed the name of the late Speaker, William H. Haywood. Haywood was not in Raleigh, but absent in a distant part of the State. Bragg's suggestion found favor; and after a few more fruitless ballotings both Brown and Saunders withdrew, and Haywood was elected by the Democrats. When notified of his election he wrote a letter of acceptance; which after a month, on the day before adjournment, the Speakers presented to the Legislature. Under the circumstances it was a very singular document. He declared that he was a Democrat and a party-man; but strongly urged that party policies or tactics should not extend to every question or matter. He declared that he "dare not surrender the State to party." This unusual discussion of such subjects in a letter of acceptance seemed to indicate that coming events sometimes cast their shadows before. When the election of a Senator was first taken up, on December 17, a set of resolves was introduced declaring the right of instruction; that the State will never consent to a protective tariff; and denouncing the tariff law that Congress had just passed, with such provisions in it as to meet with the approval of the President,

The  
unavailing  
contest

Haywood  
elected

Haywood's  
Letter

House  
Journal, 592



and which indeed remained unchanged for the next four years. The resolutions also voiced the disapproval of the bankrupt bill, and demanded the return to Gen. Andrew Jackson of the fine imposed on him at New Orleans. These resolutions after being before the House more than a month, and fought at every step with great zeal by the Whigs, eventually passed the House by 65 to 37 on January 24.

Morehead's  
message

The session at length ended, long drawn out by the filibuster of the Whigs. The financial situation was such that nothing could reasonably be done but to ease matters along until more favorable conditions. Governor Morehead's message attracted much attention out of the State and won praise for his sterling statesmanship. Particularly, his arraignment of those who rush into debt and tarnish the honor of their states was applauded, and the *Richmond Whig* took a wider view. Its comment was: "Upon the whole we must say that the government of North Carolina is obviously in a most undemocratic state. It is not in confusion; it is not in debt; its moneyed institutions are somewhat more than so-called. Its public honor seems unshaken, the authority of its laws gently but firmly maintained over an orderly and moral people," etc. Such was Whig commendation based on the reëlection of Morehead and admiration of his message. Governor Morehead mentioned that "portions of our State have been visited with affliction and with physical causes destructive to the hopes and labors of the husbandman," and besides, the State had suffered from fires. Among the notable conflagrations were several successive ones at Wilmington. In 1840 the Courthouse Square and other squares were destroyed; and in April, 1843, a great conflagration swept away a large part of the town, including the railroad shops and warehouses. Indeed this fire was a terrible blow to the Wilmington and Weldon Railroad Company then suffering from an accumulation of debt. Colonel Cowan in after years referring to this fire, said: "When your offices, your warehouses, and your work shops, and all of your machinery, which was not then in actual use, were laid in ruins by the terrible fire of 1843; when a heap of smouldering embers marked the spot where all of your possessions in Wilmington had stood, when your

Confla-  
grations

Chronicles  
of the Cape  
Fear, 230

most ardent friends had begun to despair, when your own merchants had refused to credit you, when your long-sinking credit was at last destroyed and your failure seemed inevitable, Governor Dudley came forward and pledged the whole of his private estate," and saved you. As destructive as these fires were, the enterprising citizens soon rebuilt the town. Reference is made to these two fires by Sir Charles Lyell, the famous geologist who was in Wilmington in December, 1841, January, 1842, and again in December, 1845. Writing during his last visit, he said: "The streets which had just been laid in ashes, when we were here four years ago, are now rebuilt, but there has been another fire this year."

Dudley's  
action

Chronicles  
of the  
Cape Fear  
144



## CHAPTER XXVII

### THE WHIGS IN CONTROL

W. W. Holden editor.—Congressional election.—Death of Gaston.—Judges Nash and Caldwell.—Calhoun Secretary of State.—Annexation of Texas.—Clay's tour.—Enthusiastic meetings.—His Raleigh letter.—Clay and Polk.—The State conventions.—Graham and Hoke.—Graham elected.—Hoke dies.—The tariff ignored.—Polk elected.—The Assembly.—The railroads.—The Governor authorized to purchase Raleigh and Gaston Railroad.—The schools.—Proposition to divide the State.—To establish a penitentiary.—School for deaf and blind.—The Democratic opinion as to internal improvements.—Goldsboro.—Wheeler's History.—State flag.—The Cherokees.—Morehead.—A railroad west of Raleigh impracticable.—Texas annexed.—Dobbin in Congress.—Death of Cherry.—Saunders minister to Spain.—McKay's tariff.—Haywood resigns.

#### The Standard

Chronicles  
of the Cape  
Fear, 521

Loring had been the editor of the *People's Press* at Wilmington, but had moved to Raleigh. He was a man of "great energy, perseverance, marked ability, and had a thorough familiarity with political history." He was editor of the *Standard*. At this session he differed with some of the leading Democrats on the matter of the State banks, and proposed to retire as editor of the *Standard*.

Holden

In May, 1843, William W. Holden was employed to succeed him. Loring then returned to Wilmington where he continued in the newspaper business many years. The advent of Holden as the editor of the *Standard* marked an epoch in the State press. Holden had been a poor boy at Hillsboro, employed in the office of the Hillsboro *Recorder*, and, while imbibing Whig doctrines, he had likewise naturally fostered an aversion to Whig aristocracy and was inclined to a broader democracy. However, locating in Raleigh he found employment on Lemay's *Star*, the organ of the Republican Whigs, as the *Register* was the organ of the Federal Whigs. When he assumed the editorship of the *Standard*, the Whigs jeered; but the Democrats had nothing

to regret. The *Standard* became the most important political factor in the State and for two decades wielded a great power in party matters. 1843

In the new arrangement of the congressional districts, nine districts instead of thirteen, the Democrats had the advantage, Arrington of Nash, Daniel of Halifax, McKay of Bladen, Reid of Rockingham and Judge Saunders of Wake being elected; while Rayner of Bertie, Deberry of Montgomery, Barringer of Cabarrus and Thomas L. Clingman of Buncombe were the Whig members. This was the entrance into Federal politics of Clingman, a man of unusual mental powers, who was destined to exert a great influence in the western part of the State. Abraham W. Rencher of Chatham, a man of unusual powers and fine characteristics, who had served four terms in Congress, was now appointed Charge d'Affaires at Portugal where he acceptably represented our government for four years; and ten years later, he served as Governor of New Mexico from 1857 to 1861.

The congressional elections throughout the Union were favorable to the Democrats, and John W. Jones, a Democratic Representative from Virginia, was elected Speaker of the House in December, 1843.

### Death of Gaston

Judge Gaston when in Raleigh occupied a detached building on the premises of his adopted sister, Mrs. Fauntleroy Taylor, at the corner of Hargett and Salisbury streets. The Supreme Court being in session on the 23d of January, 1844, he occupied his seat on the bench and listened to an argument in a case until near the hour of adjournment, when from a sudden attack he became faint and was taken to his room. He revived during the evening and entertained friends who called to see him. He told of a party he had attended at Washington when one of the guests, a public man, avowed himself a free thinker in religion; and he added: "A belief in an all-ruling Divinity, who shapes our ends, whose eye is upon us, and who will reward us according to our deeds is necessary. We must believe and feel that there is a God, all-wise and almighty." He rose to

January,  
1844



give emphasis to these words. There came a rush of blood and he fell back and expired. Such was the passing away of a man whose life was of singular purity and who stood first in the estimation of his fellow citizens in the ideals of noble manhood. His body lay in the parlor of Mrs. Taylor, adjoining which was the conservatory. When the funeral rites were being held, the door of the conservatory was opened, warm, moist air came into the cold death chamber, and presently snow began falling on the remains and on those assembled around the bier.

Governor Morehead and his Council appointed Judge Frederick Nash to the vacant place on the Supreme Court; and David F. Caldwell of Salisbury to replace Judge Nash on the Superior Court.

Morehead's  
message

Governor Morehead urged the distribution of the proceeds of the public lands, pointing out the great benefit North Carolina's share in the distribution made in Jackson's time had been to the State. But the Democrats adhered to their policy against it, and so this Whig proposition, so appealing to popular sentiment, continued for decades to bother Democratic leaders and to imperil their party organization.

Annexation  
of Texas

On February 28, 1844, by an explosion on the *Princeton*, Upshaw, Secretary of State was killed; and John C. Calhoun succeeded him in the Cabinet. Texas had gained her independence from Mexico in 1836, and had been recognized as an independent sovereign state, both by the United States and Great Britain, and for eight years had been under a government similar to that of the United States. She had early applied for annexation to this country; but her wishes had not been assented to. Now, President Tyler being apprehensive lest she might seek annexation to Great Britain, made a treaty of annexation with her which he submitted to the Senate in April, 1844. The Senate committee, however, held the treaty up some time without action.

In the meantime Clay made a tour of the South. On February 23, he was at New Orleans. He visited Mobile, Montgomery, Macon, Charleston and intermediate towns; everywhere his journey was similar to a triumphal procession. A large committee went from Wilmington to Charles-

ton to accompany him to North Carolina. They returned 1844  
with him on the steamer *Gladiator*, and he received a great  
ovation. The Whigs of the Cape Fear turned out en  
masse to welcome him. He left on the train for Raleigh;  
and on April 12, some ten thousand Whigs received him. Clay's tour  
He was the guest of Governor Morehead at the Governor's  
Mansion; and in the morning, a great procession, headed by  
an open landau, drawn by four gray horses, in which were  
the Governor and Clay, conveyed him to the Capitol. The  
great crowd was entirely enthusiastic. One of the incidents  
was the presentation of a silk vest made for him by a Gran-  
ville County lady. Konkle:  
Morehead,  
269

He remained at Raleigh some five days, and while there  
he felt it necessary to write a letter explaining his position  
on the proposed annexation of Texas. It was a long and  
well-considered letter. He declared that "annexation and  
war with Mexico are identical." He considered it as a  
measure "compromising the national character, involving  
the United States in war certainly with Mexico, probably  
with other foreign powers, dangerous to the integrity of the  
Union; inexpedient in the financial condition of the country,  
and not called for by any general expression of public  
opinion." Clay's letter

Later Stephen F. Miller, earlier of New Bern but then an  
editor in Alabama, addressed him an inquiry as to this letter,  
and he replied that he had no personal objection to the annex-  
ation of Texas, and, indeed, would be glad to see it without  
dishonor. "I do not think that the subject of slavery ought  
to affect the question one way or the other." Sargeant's  
Clay, 227

A fortnight later, on May 1, the Whig convention met at  
Baltimore and declared against the annexation of Texas and  
unanimously nominated Clay for the presidency, and event-  
ually selected Frelinghuysen as his running mate. On the  
27th of May, the Democratic convention was likewise held  
at Baltimore. One of the most active of the delegates was  
Judge Saunders. He called the convention to order, and at  
once introduced the two-thirds rule, a rule that had in 1832  
been adopted to secure the nomination of Van Buren for the  
vice-presidency. Now, the object in bringing it forward  
The two-  
thirds rule



was to prevent Van Buren from being nominated for the presidency. Van Buren had already been defeated by Harrison; and besides he was against the annexation of Texas because that was deemed favorable to slavery and to the power of the slave states; and Van Buren was much of an abolitionist. Van Buren's manager, B. F. Butler of New York, protested and protested, but Saunders carried his point by a vote of 148 to 118. Because of the settled opposition to Van Buren, that rule virtually eliminated him, although he continued to get some votes from the North Carolina delegation and for several ballots received the greatest number of votes given to any candidate.

The North Carolina delegation voted at times for Lewis Cass, and finally on the ninth ballot, after a stormy session of three days, voted solidly for James K. Polk, who was nominated on that ballot. Then George M. Dallas of Pennsylvania was nominated for the vice-presidency. Said General Jackson on June 14: "Let Texas be the watchword, and victory is certain," for Jackson was still wroth against Clay as formerly. Quickly following these conventions in June the Senate rejected the treaty of annexation; and the issue was made at the polls.

Polk  
nominated

### **The campaign**

The Whigs had entered early on the State campaign, holding their convention at Raleigh on December 8, 1843.

There was no other thought than that Senator Graham should be the standard bearer; the nominee for Governor. A week later the Democratic convention nominated Michael Hoke as their choice. Both of these candidates were of Lincoln County stock, and both were men of superior character, and finely educated. They were of the highest type of manhood, and were alike ornaments to society and exemplars of virtue and honor. A joint campaign was arranged, but it was interrupted, for Graham was taken desperately ill. However, there were some meetings on the hustings. Apparently, while Graham was more impressive in his delivery, Hoke was more entertaining and raised more enthusiasm. Both were entirely courteous. The Whigs

had a grand rally at Statesville; and Graham, when he was able to enter the campaign, devoted himself largely to the west, where the Texas fever was not so pronounced as in the eastern counties. The result was in some measure answerable to his expectations. He recovered some of the votes lost two years before, getting 4,643 more votes than Morehead then received, but still 1,900 fewer than Morehead got in 1840: while Hoke polled 39,433, being 3,530 more than Saunders had polled in 1840. Graham's majority was 3,153. In the Legislature the House of Commons was Whig by twenty majority, but the Senate, when it convened, had 25 Democrats and 24 Whigs.

1844

Graham  
elected

In September, the State mourned the loss of the gifted Hoke, who died from the malaria to which he had been exposed in his canvass: and before the Assembly met three members of the House and one Senator had died.

Hoke's  
death

The presidential campaign was conducted with vigor; but the tariff was not an issue and the people were not so greatly interested as in former elections. The tariff act passed by Congress had relatively small duties on manufactures and no duties on coffee, tea and sugar. It was in some aspects free trade, and in other aspects more of a tariff for revenue than of protection.

The tariff

It worked so satisfactorily that neither Polk nor Clay proposed during the campaign to revise it; so the tariff was not in the minds of the people; and they did not come to the polls as in the gubernatorial contest. The total vote was but 62,479 as against 82,019. The Clay electors won by 3,381, and the Whigs rejoiced. But in the Union the result was disastrous to their hopes. The new apportionment had altered in some measure the votes of the states in the electoral college; and Clay failed to carry all the states that had voted for Harrison. He carried eleven states with 105 votes. Polk carried all the others with 170 votes. General Jackson had his revenge. Birney, the abolition candidate received 62,127 votes, which had they been cast for Clay would have changed the result, for Polk's popular vote was only 38,200 more than Clay's. And indeed, the Whigs charged that New York had been carried by the

Clay's  
failureSargeant's  
Clay, 247



Democrats by fraudulent votes; and had the thirty-six votes of that state been cast for Clay he would have been elected.

### The Assembly

When the Assembly met, while the Democrats had 25 members and the Whigs but 24, yet, as Wilson, the Democratic nominee for Speaker, would not vote for himself, the Democrats were unable to elect the Speaker and organize the body. After three days fruitless balloting, on the fourth day, the Democrats nominated Burgess S. Gaither of Burke, a moderate Whig, who received 40 votes, the Whigs offering no opposition. In the House, Edward Stanly of Beaufort received 68 votes and Calvin Graves 48. Governor Morehead's message dealt very intelligently with the embarrassments of the State Treasury because of the action of the previous Legislature to aid the railroads, and with the condition of the railroads themselves. The roads were embarrassed because of the indebtedness incurred in their construction. The cost of the Wilmington and Weldon was \$2,000,000, while the stock paid in was only \$1,350,000; the cost of the Raleigh and Gaston was \$1,500,000 while only \$650,000 had been paid in on stock. The State had endorsed the bonds of the Raleigh and Gaston to the amount of \$800,000 and in addition to taking \$600,000 of stock in the Wilmington and Weldon had endorsed its bonds to the amount of \$300,000. Hampered with these debts and the interest, the roads found difficulty in paying running expenses. With regard to the Wilmington and Weldon, Governor Morehead said: "It is believed from the success attending the operations of this road, notwithstanding its heavy losses by fire and sea (two steamships having collided at sea) that if indulged for a few years, it will be able to meet all its liabilities, and extricate itself from debt and appreciate the value of its stock." But the condition of the Raleigh and Gaston was hopeless. A bill in equity had already been filed to appoint a receiver of its property; and it was believed that its receipts for years would not suffice to pay interest and keep the road in operation. The Governor suggested a sale under the mortgage, and in order to

The  
railroads

Other im-  
provements  
recom-  
mended

increase receipts, to build the Weldon road and construct a turnpike from Raleigh to the west. These two improvements he thought would add to the business of the road. In their embarrassments the North Carolina railroads were not alone. The Portsmouth and Roanoke Railroad was in similar distress, and that part of its line within this State had been sold for debt and the purchaser had taken up its rails.

With regard to further improvements, he urged that some locks and dams should be constructed on the Cape Fear and that the Neuse be made navigable; that a ship canal be cut from Pamlico Sound to Beaufort; and a ship channel be opened at Nags Head.

He urged a turnpike from Fayetteville to the Yadkin, and a turnpike or railroad from the end of navigation on the Neuse westward and likewise, similar transportation facilities from the Tar and Roanoke.

House  
Journal, 418

The common schools system had appealed to the people. It had awakened an interest in every part of the State. Only two counties had not voted for it and the State had distributed in 1844 \$92,027. But the Governor was not satisfied with its efficiency and recommended an adjunct similar to that originally proposed by Dr. Fred Hill and later by others: "The appointment of a State agent, well versed in the subject of common schools, to travel over the State, visit the counties, advise and direct the county superintendents and school committees and awake interest in popular education." He urged that action should be taken for the building of asylums for the afflicted and for the insane and that a penitentiary be established.

The schools

House  
Journal,  
421

The appointments made by the Governor and Council to the Supreme and Superior courts were received with favor by the Assembly, and the appointees elected. A joint committee was raised to make a report on the death of Judge Gaston, and the committee reported on December 31. The two houses considered the report on that day and adopted resolutions expressive of the sense of the Assembly at the loss to the State of that eminent citizen.

December,  
1844

House  
Journal  
634

A resolution offered in the House by Atkins that Texas ought to be annexed was rejected by a vote of 49 to 60;

Ibid., 538



- 1844-45 and a resolution offered by the Whigs to request the Senators and Representatives to urge a distribution of the fourth installment of the surplus revenue derived from public lands passed the Senate by the casting vote of the Speaker on January 1, and the House by 65 to 49. Propositions to incorporate the counties of Jefferson, Gaston and Graham were defeated, and a resolution offered by Francis, the Senator from Haywood, to take the sense of the people of Western North Carolina on the subject of a cession of territory for a new state was laid on the table. A proposition to establish a penitentiary by taxation was submitted to the popular vote. A bill to appropriate \$5,000 for teaching the deaf mutes and blind was passed. Such was the beginning of the institution for that purpose. It was carried in the Senate by the casting vote of the Speaker. A bill was introduced to consolidate the school laws. The school age in the bill was put at four years. Mr. Shepard moved to amend by providing for a general superintendent, but this failed by a large vote, the Democrats being in opposition. The bill, itself, however, passed with only two votes in the negative—western members. The recommendations of the Governor relative to internal improvements and providing to meet the conditions of the two railroads led to a royal battle between the parties. The proposition to lay off and established a turnpike road from Raleigh to the Buncombe turnpike failed in the Senate by six votes, but the Assembly authorized the Governor to have a survey made of a turnpike from Raleigh west to the Buncombe turnpike and then on to the Georgia state line, and a survey made for a road from Fayetteville to some point on this road near the Yadkin.
- Ibid., 251
- A new State
- Ibid., 342

#### Democratic conservatism

Raleigh and  
Gaston R. R.

When the bill to foreclose the mortgage of the Raleigh and Gaston Railroad came up, every Democrat in the Senate voted against it, but the casting vote of the Speaker passed it. The Democrats proposed an amendment declaring it to be the opinion of the Legislature that the members of the Legislature of 1838 who passed the bill to endorse the

\$500,000 bonds of that road are responsible for the State's loss and that received twenty-two Democratic votes. That being defeated, a second amendment was offered that the members of the Legislature of 1840 who voted to endorse the additional \$300,000 were responsible for the State's loss, and that received twenty Democratic votes. As drawn, the bill directed the Governor to bid not exceeding \$300,000 on the sale of the road, and if he purchased it for the State, to appoint directors to manage it and to operate the road. The bill then passed the Senate 24 to 24, the Speaker giving the casting vote. Although Mr. Macon was now dead, his political philosophy found an echo in these propositions.

Senate  
Journal, 163

Ibid., 274

The conditions of the Wilmington and Raleigh Railroad Company were not so bad. It needed only further time. The House passed a bill allowing that company to issue \$100,000 bonds to replace the same amount of bonds theretofore issued. The Democrats in the Senate stubbornly opposed the proposition and offered amendments making the stockholders personally liable for the indebtedness of the company. But the bill finally passed 24 to 24, with the Speaker voting for its passage. The two sections of the Wilmington and Weldon Railroad met at a point near Waynesboro, and a station was located there named Goldsboro, after one of the engineers who constructed the road. It was now provided that the county seat of Wayne County might be moved to Goldsboro if the people of the county should vote for the change.

Ibid., 259

Goldsboro

The previous Legislature had elected John H. Wheeler, State Treasurer. He had been superintendent of the mint at Charlotte and was the choice of his party for Treasurer, but this Assembly being of a different political complexion, he was succeeded by Mr. Hinton, who had been his predecessor. Colonel Wheeler now devoted himself to the preparation of a history of the State and produced a most valuable volume that appeared in 1851, the first attempt by any North Carolinian to collate facts relating to the counties.

Wheeler's  
History

Some eight academies were incorporated, and there being a military academy at Raleigh, the Legislature allowed the cadets to be equipped with the material, guns, etc., in the



State flag

State Arsenal, and then a similar bill was passed in regard to the students at the Raleigh Academy. A resolution was passed for the Governor to procure a State flag, which was to bear the arms of North Carolina.

The  
Cherokees

"As the Cherokee Indians in the State are conducting themselves in an orderly manner under the influence of temperance and religious societies, and are improving in the mechanic arts, agriculture and civilization and those in the town of Qualla and other towns are beginning the manufacture of silk" they were encouraged by having the provisions of the act of 1836 extended to them.

Governor  
Graham

On January 1, Governor William A. Graham appeared in the Common Hall, where the Senate had likewise assembled, and having delivered an inaugural, took the oaths of office and qualified as Governor. His inaugural, the first delivered by any Governor, received many compliments and the Assembly ordered that it be printed. Governor Graham brought to his office full information of State affairs, a clear mind, fine talents and a purity of purpose that ranked him among the foremost men of the State. The session ended on January 16, and the Whigs had cause to congratulate themselves on having carried through virtually all of their propositions, but the unfortunate condition of the two railways in the State had prevented any effort to build others, and the only hope of the time was to construct turnpikes westward. Indeed, Governor Morehead by a personal examination of the country between Raleigh and Greensboro had concluded that it was impracticable to construct a railroad in that region.

### **In Congress; Texas annexed**

Richardson,  
IV, 345

While the Assembly was in session, Congress met and on December 3, President Tyler in his message dwelt on the great question of the campaign just ended, the annexation of Texas. He said that the matter had been determined by the election, a majority of the states and of the people having voted for annexation, and he urged that a resolution should be passed accepting it. A bill was introduced in the Senate by Senator Haywood providing for annexation, but

it failed. Later, a resolution was introduced in the House of Representatives. It provided that new states might be made out of the territory; those north of 36 degrees 30 minutes should be free; those south of that line might be free or slave as the people might desire. In the Senate Mangum voted against annexation and in the House the Whigs likewise voted against it, but it passed at the close of Tyler's administration, and he at once dispatched a messenger to give effect to it in Texas. The great contest was ended. 1845

The congressional contest of 1845 was notable, since it was the beginning of district conventions for the nomination of congressional candidates. Saunders had been in hope of being invited to take a Cabinet position and being disappointed, would not ask to be returned to Congress. He was succeeded by James C. Dobbin of Fayetteville, a man of fine talents and of the highest personal character. The brilliant and eloquent W. W. Cherry had been nominated in the Albemarle district, but died during the campaign, much regretted. He was thought to be the finest orator in the State of his generation. Asa Biggs, Democrat, was elected in that district so the Democrats gained a member. Jonathan Worth ran in his district but Alfred Dockery contested the field with him and won. Public men

As North Carolina had not voted for Polk, the President doubtless felt that Cabinet positions should be awarded to other states, but he appointed Judge Saunders Minister to Spain and, during the four years of Judge Saunders's service in Spain, he negotiated a treaty for the purchase of Cuba, the price being \$100,000,000, but when the negotiations became public the offer was rejected. Saunders seeks to buy Cuba

### The McKay tariff

In 1843, James J. McKay, who had long been a Representative and was then chairman of the Committee of Ways and Means, brought in a bill to revise the tariff, but it failed to pass. His report on the subject of the tariff was, however, widely distributed, and had a great effect in consolidating Democratic opinion on the subject. It was a very able exposition of the tariff. In Polk's inaugural he had Biog. Hist., III, 392



declared that tariffs should be for revenue with incidental protection for our industries. At the first session of the new Congress, McKay introduced a tariff bill that he and Robert J. Walker, the Secretary of the Treasury, had prepared that thus became an administration measure. It passed the House but when it came to the Senate its fate was doubtful. At the session of the Legislature when Senator Haywood was elected, resolutions of instructions with regard to the tariff were passed by the Legislature and there was no other expectation but that he would vote for this Democratic measure. But he felt that he could not vote for it and could not properly vote against it. So when the vote was being taken on July 24, 1846, he handed to the Vice-President his resignation. The vote being a tie, the Vice President gave the casting vote, and the bill became a law. Mr. Haywood later published a long address to the people of the State, explaining his action, but it did not satisfy his Democratic friends. He passed out of public life. This McKay Tariff Act was the lowest that had ever been enacted since the early years of the government and in its effects it was the best ever passed by Congress. It was followed by a period of great prosperity, although it is true that other circumstances combined to promote the fortunate conditions that then existed in this country. So well satisfied did the people become with the operations of this McKay measure that for fifteen years no effort was made to repeal it, and in 1856 no reference was made to the tariff by any political party.

Senator  
Haywood  
resigns

## CHAPTER XXVIII

### THE WHIG REGIME

Purchase of Raleigh and Gaston Railroad.—Graham and Shepard contest for Governor.—War with Mexico.—A regiment called for.—Governor Graham calls for volunteers.—The prompt response.—The Whigs carry the State and Assembly.—Badger and Mangum Senators.—The benefit of the railroads.—Governor Graham urges road from Raleigh to Fayetteville, then to Charlotte and Camden.—All counties in the school system.—National flag over Capitol.—Regimental officers.—Morganton Supreme Court.—Railroad projects.—The Wilmington and Manchester.—Other incorporations.—Gaston, Alexander and Polk counties established.—The telegraph company.—Dr. Mitchell's report.—The route from Fayetteville to Salisbury.—Louis D. Wilson.—Lieutenant Hoskins.—The congressional districts.—The Albemarle fisheries.—The new inlets.—The school for the deaf and dumb.—The North Carolina regiment organized and officered.—Payne, Colonel.—Hoke's and Clarke's companies.—The regiment conveyed to the Brazos.—Its hard service.—Payne's wooden horse.—The soldiers' meeting.—The colonel kills a private.—The officers protest.—General Wood acts.—The court-martial.—The war ends.—The troops return.—Patriotic reception.—The Whigs successful in congressional election.

#### Purchase of the Raleigh and Gaston Railroad

Under the act of Assembly proceedings had been instituted to foreclose the mortgage on the Raleigh and Gaston Railroad, and the property of that company was brought to sale on January 1, 1846, and purchased by the State at \$300,000; and Wesley Hollester was appointed president and superintendent and W. W. Vass, treasurer, and the road was thereafter operated by the State.

1846

Contemporaneously with this sale, early in January, the two parties held their conventions for the nomination for Governor. The Whigs naturally were unanimous for the reelection of Governor Graham.

Graham and  
Shepard

Many were the aspirants for the honor of nomination by the Democratic convention, but Charles Fisher of Salisbury was the favorite. However, he declined to be a candidate, and the convention had to look elsewhere. Now, for the



1846

first time, the nomination was made by a ballot of the counties, and Green W. Caldwell was nominated. But he, too, later declined because of ill health.

Sprunt  
Mon. 15,  
p. 106

Walter F. Leak of Richmond County being brought forward in county meetings announced himself, but the Democratic State Committee announced that James B. Shepard of Wake should be the candidate. About the middle of May Leak withdrew, but the Democratic party had been handicapped by the differences. The Democrats also were thrown into some confusion by the action of Senator Haywood in regard to the administration tariff bill—and his resignation.

### **The war with Mexico**

Because of differences arising from the annexation of Texas between this country and Mexico, a state of hostilities was declared and in May, 1846, the President made a requisition for one regiment of North Carolina volunteers to be enrolled to aid in the prosecution of the war.

At once Governor Graham issued an order calling for volunteers by companies, and with commendable promptness more than three times the required number volunteered. The companies to be taken were selected by lot, and the regiment was in waiting for organization; but although the troops were then sworn in no further steps were taken until November.

The election

It was while the war fever was at its height that the election came on. The Democrats were somewhat disheartened because of Senator Haywood's resignation and the family troubles over their candidate for Governor, while the Whigs were proud of Graham, their Governor.

Graham gained 1,000 votes over his previous one, and Shepard fell behind Hoke nearly 4,000—Graham's majority running up to 7,859; and the Whigs had control of the Legislature, having three majority in the Senate and ten in the House.

Eventually, on November 16, the War Department called for one regiment of troops for immediate service, the service to continue during the war. These terms being different, only one company of the ten that had previously volunteered

accepted them, that of Captain Richard W. Long at Salisbury. The others disbanded. Thereupon Governor Graham in December called for volunteers under the new terms as he had done in May.

### The Assembly

When the Assembly met, the Speakers elected were Joyner in the Senate and Stanly in the House. To succeed Senator Haywood, Judge George E. Badger was elected to the Senate, the Democrats voting for Asa Biggs; and Senator Mangum was reelected to succeed himself, the Democratic choice being J. J. McKay, the chairman of the Committee of Ways and Means of the House.

Governor Graham, in his admirable address covering all the subjects of interest to the State, deprecated the conditions that existed, saying that the State had been afflicted by disease to a greater and more fatal extent than usual, and had suffered much from drought and failure of crops and from casualties of flood and fire. It had indeed been a very disastrous year.

The affairs of the Wilmington and Weldon Railroad were in such condition that perhaps no further trouble could occur because of it. The advantage of that road to the State was now realized. It was considered that the farms had largely increased in value along the railroad line; and in particular was it claimed that at Wilmington in 1840 the population was about 4,500 and its real estate was valued at \$650,000, while now the population was estimated at 9,000, and the real estate at \$1,500,000.

H. Waddell's  
report, Leg.  
Doc., 18,  
1846

The Raleigh and Gaston having been bought by the State had been operated by the State for ten months, and the result shows the earnings for that period were \$51,678 and the disbursements (including the purchase of a locomotive) only \$36,000. So the Governor was hopeful that the road would be self-sustaining. He urged a road from Raleigh to Fayetteville. As roads were projected from both Wilmington and Raleigh into South Carolina, he preferred one from Fayetteville to Charlotte or Salisbury and thence to Camden. The reopening of the inlet at Nags Head was urged and the



Governor recommended the opening of the Neuse and Yadkin for navigation.

He mentioned that all the counties were now in the common school system, and he urged that a commissioner of common schools should be appointed. Governor Graham announced to the Assembly that the last Legislature having ordered the purchase of a national flag he had caused a flag staff to be erected on the Capitol, and the national flag to be raised there whenever the Assembly was in session.

The field  
officers

Under the law he thought the Governor had the right to appoint the field officers of the regiment to go to Mexico, but he submitted the question to the Legislature, which later authorized the Governor to appoint and commission the field officers of the regiment then called into service; but the men and officers of all subsequent regiments were to elect their own field officers.

#### Changes in the law

At the previous session, the Legislature had enacted that the attorneys in a case could argue the law as well as the facts to the jury trying the case; and at this session provision was made for the executors and administrators to obtain a license to sell real estate for assets, the residue to be considered as real estate. And for the convenience of the people of the west it was directed that a session of the Supreme Court should be held at Morganton in August, and appeals from the western counties should be heard there.

#### New projects

Many turnpikes were provided for, and a corporation was created to construct a canal between the Yadkin and Cape Fear rivers.

Railroad

The hard case of the Raleigh and Gaston Railroad had not deterred enterprising citizens from proposing other lines. Indeed two roads were now projected in aid of the Raleigh and Gaston; one called the Roanoke Road was to construct a line from Weldon to Margarettsville, and also to some point on the Raleigh and Gaston, making a northern connection with this road; and a company was chartered to

construct a road from Raleigh via Fayetteville into South Carolina, connecting with the road to Camden. These two extensions it was hoped would put the Raleigh and Gaston on its feet. Similarly a road was proposed from Charlotte to Columbia, and another was incorporated as the Wilmington and Manchester to connect the Wilmington and Weldon with the South Carolina lines.

The survey of a turnpike to the west, authorized by the previous Legislature was made by Dr. Elisha Mitchell of the University. Dr. Mitchell in his report said: "It is most desirable that the eastern and western sections of this great commonwealth should be bound together by an easy and free communication with them. An intelligent gentleman in the western part of the State remarked to me, as things now are, he has less to do with the people in the northern side of Albemarle Sound than with those of some of the remotest regions of the globe."

Mitchell's  
report, Leg.  
Doc., 1846

Dr. Mitchell made a most interesting report of his surveys. The road from Raleigh should go to Salisbury; and that from Fayetteville should join it at Salisbury. "There is no place for which so little has been done in the way of road making between it and a market as Salisbury. A road has never been cut out from Salisbury to Fayetteville. At 83 miles from Fayetteville sand is struck, which continues 30 miles, and through the greater part of this 30 miles there is no road; every person starts a route for himself. Mostly they follow the 'old trail' by which the buffaloes and the Indians used to come down to the coast. South Carolina by her railroads is drawing more and more of the trade west of the Yadkin." He did not think that a railroad would pay; nor could a railroad be built except at great cost. He recommended a rounded dirt turnpike.

A later geologist, after mentioning the Raleigh belt of Laurentian on the east with an easterly dip, speaks of the more western structure, the great central mineral-bearing slate belt. This tract extends across the State in a breadth of 20 to 40 miles, and is composed of slates, the pebbles being sometimes a foot and upwards in diameter. Near the middle of this body of slates in Montgomery County is a

The  
difficulties



1846

very heavy ledge of silicious slates. A notable characteristic of this belt of rocks is the abundance of quartz veins. The dip is west at high angles. The streams of this central section of the State are separated by parallel ridges whose crests descend very gradually from the northern divide, several preserving an elevation of 600 feet, to the State line.

Kerr, 20 f.

Near the middle of this region in a northeast direction is a succession of elevated ridges and knobs, visible one from another, and extending from the Uwharrie Mountains in Montgomery to the heights in Person and Granville, some of them rising to 1,000 feet. These hard, slaty ridges are doubtless the remains of an ancient continuous mountain chain.

Such were some of the natural features of the country between the eastern and western sections that presented obstacles to transportation and led Governor Morehead and others to think it impossible to build a railroad from Raleigh to the west.

Redistricting

The Whigs were not content with the congressional districts as laid off by the Democrats, saying that the districts were composed of counties that had no common interests; in some instances merely being continuous like a string, and being similar to those of Massachusetts that gave rise to the word "Gerrymander." Therefore, the Legislature laid off the districts anew to suit their ideas of political fairness, and, as Rayner was the author of the measure, the Democrats stigmatized it as the "Rayner-Mander."

#### **The fisheries of Albemarle**

The Inlets

The fisheries were now important. It appears that 1,000 hands were at this time employed with the seines, and more than 100 vessels; besides the stave getters and coopers to make the barrels to contain the fish. More than 50,000 bushels of salt were used. Formerly there were several inlets through the banks, but these in some places were closed and the fish had decreased. But in 1846 there were two great storms and Hatteras Inlet was opened above Ocracoke and near where the old Hatteras Inlet had been; and a new inlet broke through south of Nags Head, which at first had

no name. But a merchant at Washington, W. H. Willard, had purchased a steamboat in New York named the *Oregon*, and as the vessel reached the coast north of Hatteras, a storm arose, and the captain ran the peril of trying to pass through the new inlet. He did so safely; and the name of the first vessel to pass through it was given to that inlet. "The quantity of fish taken in the sounds had increased since these inlets were opened."

Skinner,  
Leg. Doc.,  
1846

### **The deaf and dumb school**

Soon after the adjournment of the previous Legislature, the Literary Board entered into an agreement with William D. Cooke to open a school for the deaf and dumb at Raleigh, to begin on May 1, 1845, the cost was to be \$160 for each pupil. And the Board also took steps to open a school for the blind, employing a competent teacher at Boston; but after all the furniture and equipment were purchased, the teacher required "a license to discuss southern institutions in a manner inconsistent with our laws"; and the undertaking fell through. Mr. Cooke reported that there were 23 pupils of the deaf and dumb at his school and the Legislature now appropriated \$10,000 to build a suitable school building for these and the blind. Such were the initial steps taken to provide for these unfortunate children.

### **Common schools and new corporations**

It was considered that the chief drawback to the public schools was the want of competent teachers, and the Committee on Schools, of which David A. Barnes was chairman, reported in favor of a commissioner of common schools, to be appointed by the Governor. The Assembly, however, did not favorably respond. The system continued without a head. Thirteen new academies were incorporated. Several mining companies and manufacturing companies were incorporated, and the Merchants Steamboat Company, and the Henrietta Steamboat Company were chartered at Fayetteville.

The counties of Gaston, Alexander and Polk were incorporated.



The  
telegraph

In 1844 the first electric telegraph line was run and operated. It was between Baltimore and Washington, and, it proving feasible, at this session, the Washington and New Orleans Magnetic Telegraph Company was incorporated in the State, with a provision that it should have an office at Raleigh.

### **Wilson's service and death**

In raising military companies, volunteering was slack. Enthusiasm had died out. In those circumstances, Louis Wilson, the white-haired Senator from Edgecombe, about fifty-seven years old, who had served in the Legislature, with some interruptions, since 1815, who had amassed such a fortune that he left \$40,000 for the poor of Edgecombe County, now proposed to set an example of patriotism. He stimulated the embodying of a company in his county, himself enlisting as a private. The organization was to take place on January 5, 1847, and being a member of the Senate, he asked leave of absence. The Senate, upon granting him leave of absence on December 31, unanimously adopted most commendatory resolutions relative to his past services to the State and its conviction that his career in the army would be equally distinguished for patriotism, courage and devotion.

On the organization of his company he was elected captain and on April 9 he was assigned by the President to the command of the Twelfth Regiment. His service, however, was but too short. While at Vera Cruz he was seized with fever, and after some recuperation he was assigned to command the relief train from Vera Cruz to the front; but on August 12 he succumbed to the disease and was buried with high military honors. Subsequently, his remains were laid to rest in Tarboro, and a part of Edgecombe County was later incorporated as the county of Wilson in his remembrance. To Wilson's action in forming this company is ascribed a revival of patriotic ardor; the people early responded, and the North Carolina Regiment was soon enlisted. To aid the soldiers of this State volunteering for the Mexican War, twenty thousand dollars was appropriated.

### Death of Hoskins

On September 21, 22, and 23, 1846, General Taylor fought at Monterey, and the Assembly adopted a resolution tendering the thanks of the State to the gallant soldiers natives of the State who were there engaged; and in particular the Legislature recorded its unfeigned sorrow at the death of Lieutenant Charles Hoskins, killed in that battle. Lieutenant Hoskins was of the Edenton family of that name. He graduated at West Point in 1836, and became adjutant of the Fourth Regiment. General Grant in his personal memoirs, speaking of the assault and retreat from the attack on Monterey, said: "I was, I believe, the only person in the Fourth Infantry in the charge who was on horseback. When we got to a place of safety the regiment halted and drew itself together—what was left of it. The adjutant of the regiment, Lieutenant Hoskins, who was not in robust health, found himself very much fatigued from running on foot in the charge and retreat—and seeing me on horseback expressed a wish that he could be mounted also. I offered him my horse and he accepted the offer. The adjutant to whom I loaned my horse was killed and I was designated to act in his place."

Charles  
Hoskins

The *National Intelligencer* said: "Lieutenant Hoskins possessed a quick and sagacious intellect; he cherished a high and nice sense of honor; and was remarkable for the generosity and chivalry of his character, and for those winning traits which ever secured the regard and respect of those with whom he served."

Biog. Hist.,  
VII, 259

### The North Carolina Regiment

Captain Wilson having organized his company at Tarboro in December, 1846, it was called into service at Smithville (Southport) on January 8, 1847, Captain Samuel L. Fremont being the officer to swear the troops in. This company became Company A of the North Carolina Regiment of Infantry. The next company to report was raised at Goldsboro by Captain Henry Roberts. It was soon followed by Captain Martin Shine's company raised at Concord, and



Captain Tilman Blalock's company raised in Yancey. Another Tarboro company, Captain W. S. Duggan, likewise raised in December, 1846, and mustered in January 12, 1847, became Company E. Captain George Williamson's company raised at Yanceyville in January was Company F. Captain Patrick M. Henry's company, raised at Double Springs, was Company G. Captain William J. Price led a company on record as raised at Raleigh, but composed as well of Orange County volunteers. These were sworn in January 19, 1847. Captain W. E. Kirkpatrick organized a company at Fayetteville and it was accepted February 12, 1847, as Company I. Company K was raised at Murphy by Captain Samuel F. Tipton in March and sworn in April 10. There were two other companies all ready in December to report and be sworn in; but the Legislature in making the appropriation for the transportation and other expenses of the companies put on record as a preamble to its resolution that "the war was brought on by the President and was unjust," etc.; and this was so abhorrent to those who had raised the companies that they were disbanded.

The attitude of the Whigs towards the war was very offensive to the Democrats, but not so bitterly partisan as that of Mr. Corwin, an influential Senator from Ohio, who proclaimed that he hoped the Mexicans would "welcome the soldiers of the United States to hospitable, but bloody graves."

Indeed, partisan feeling in the State ran high. At last, on April 10, 1847, Governor Graham having appointed a Whig member of the Legislature, Robert T. Paine, who had voted for the offensive preamble, to be colonel of the regiment, and John M. Fagg, another Whig member, to be lieutenant-colonel and Montford T. Stokes, a Democrat, and of the family long distinguished for its patriotism and capacity, the major of the regiment; the regiment was organized at Smithville and was ready for service. It was conveyed in four divisions in transports to the Brazos.

#### **At the front**

There were besides the above, two other companies that volunteered, one raised by Captain Walter P. Richards in the

spring of 1847, of which John F. Hoke later became captain, and one raised by William J. Clarke of New Bern. These two companies became respectively Companies G and I, of the Twelfth Regiment of United States troops; and when in April, it was brought to the attention of the President that L. D. Wilson, who was the senior captain of the North Carolina Regiment, had been subordinated to Paine, the President appointed Wilson a colonel in the regular army and assigned him to command the Twelfth Regiment. The first companies to arrive on the Brazos were A, E, B, C and D. They were moved up the Rio Grande to Camargo; the other companies followed. The march, occupying three days, was a fearful experience, and fever was very prevalent. Indeed because of the great heat and thirst the troops would drink stagnant water from the lagoons, and the effect was disastrous, half the men were stricken and there were 38 deaths in the month of July alone and four times as many before their return.

General Taylor was in command on the Rio Grande and now his seasoned troops were in the highlands of Mexico. After the victories of Monterey, Resaca de la Palma and Saltillo, Taylor and his troops were applauded throughout the Union; but the North Carolina regiment was not with the fighting force, although it was called on to do scout service, and Colonel Paine wrote: "I venture the assertion that the regiment has seen more hard service than any volunteers or regulars in this division of the army." Towards the end of July Captains Price and Williamson and Lieutenant Southern were sent home to raise recruits to bring the companies up to the standard of 100 men.

In the meantime the dissatisfaction with the course of the Whigs had led to a disposition to criticize the military conduct of Colonel Paine, and while he was brave and sought the best interests of his regiment, he was a strict disciplinarian and his regiment had a high reputation for efficiency as soldiers. At Buena Vista, where he was in camp, there were regiments also from Virginia and Mississippi. General Wood was in the immediate command, Taylor being too far away to supervise. The Colonel's tent was sur-

Paine's  
trouble



rounded by those of his companies, and he shared the life of his troops; but unfortunately some of his actions were sometimes regarded as tyrannical by some of the men. One day in August he had a carpenter to make for him a wooden horse with a rude head and tail and long legs. That was placed by his tent; and it was given out that the men who needed punishment would be made "to ride the horse." That aroused great indignation, which the North Carolina troops disseminated among the other regiments; and some Virginians one night raised a riot and destroyed the horse. That was followed by throwing stones, large enough to kill a man, at the Colonel's tent. It was regarded as a mutiny, and when some of the North Carolina officers were directed to establish a guard and arrest men not obedient to orders, some of the men refused to turn out and some of the officers refrained from active exertions to maintain order and discipline. At a particular crisis the Colonel, who certainly was courageous and intrepid, deemed it proper to shoot at a man, and killed him while wounding another. The man killed was a private in Company A, the one wounded was a Virginian. The next day many of the officers joined in a Round Robin asking the Colonel to resign; but at once most of them withdrew their signatures and declared their meaning was that it would be better for the Colonel to separate himself from the men. However, General Wood immediately dismissed two of the commissioned officers and discharged two of the privates.

On this becoming known to the President, he stated that General Wood had no authority for such action, and the officers were reinstated, and a court-martial was ordered to try the officers.

The court was held in February, 1848, and on the 57th day made its report. It found that a mutiny was in progress the preceding August, and sustained the action of Colonel Paine in killing the man and of General Wood in dismissing the officers, "that the crisis demanded prompt and decisive measures, and that the best results followed." That the regiment was a good one is certain and it rendered very efficient service. Early in 1848 General Scott was

ordered to take command of the forces in Mexico, and an army was concentrated at Vera Cruz, Taylor sending a large part of his regular army from the north to Scott's aid. Scott hastened towards the City of Mexico, and after a series of fine victories took possession of that city. The North Carolina regiment, however, remained at the north. The treaty of peace was signed in February, 1848, and the war being over, the troops were soon ordered home. Although not engaged in the severe fighting, hard had been their service and important was the part assigned to them, and well performed. A part of the North Carolina regiment, six companies, was landed at Smithville and discharged there August 7, while the other companies were landed at West Point, Va., and discharged there July 28. On their return, all the companies were received with demonstrations of joy and patriotic ardor and of public approval. By the terms of the treaty, the United States acquired California and a vast extent of western territory.

#### **Congressional election**

The new arrangement of congressional districts was answerable to the purposes of the Whigs who had been very proscriptive as to all offices, turning out every Democrat they were able to reach.

At the August election the Whigs elected twice as many of the delegation as their opponents; the only Democrats retained were McKay and Daniel, but Abraham W. Venable of Granville was likewise successful. Cumberland County that had been in the Wake district, was now in the Bladen district, and Mr. Dobbin retired in favor of McKay. The other six were Whigs.



## CHAPTER XXIX

### THE TURNING POINT IN STATE LIFE

The elections.—The Wilmot proviso.—Manly and Reid contest.—Reid proposes “free suffrage.”—Taylor President.—The railroads.—Navigation companies.—The Deep River basin.—Plank roads introduced.—New problems.—The Assembly.—Both houses a tie.—Gilliam presides in House; Graves in Senate.—Graham’s recommendations.—The North Carolina Railroad.—Partyism.—Pearson on Supreme Court.—Ellis a judge.—Waddell versus Berry.—Alamance and Watauga counties.—The turning point.—Manly inaugurated.—Dobbin’s speech for asylum.—The transportation question.—Contest over the Charlotte and Danville road.—The Ashe bill.—The great interest and opposition.—It fails in the House.—The Fayetteville and Western plank road.—The State Aid men rally.—The North Carolina Railroad bill passes the House.—It awaits the Plank Road bill in the Senate.—The tie vote.—The excitement.—The anxiety.—Graves breaks the tie.—The joy.

#### The legislation of 1848

1848

There was opposition at the North to the acquirement of any territory from Mexico, as well as the annexation of Texas, because it would extend slavery territory. There were not only Birney Abolitionists, but Free-Soilers, many of the latter being Democrats.

In 1846, David Wilmot, a Democratic representative from Pennsylvania, offered as a proviso to a bill then pending in the House of Representatives with respect to territory that might be acquired from Mexico—“Provided, that slavery should be excluded from any territory so acquired.” The House accepted the proviso, but the Senate rejected it. It, however, formulated to a large extent Northern thought, and, as it would be a repeal of the Missouri Compromise, slavery now more than ever was a subject of agitation.

While many Democrats at the North espoused the anti-slavery side and Van Buren became the leader of the Free-Soilers, yet the drift from the Whig party was much

stronger. Among the Whigs in the State, there had long existed a cleavage, and now some became more impressed with the abolition tendencies of the North than others.

As Graham could not be reëlected Governor, the Whig Convention at first had presented to it many aspirants. It decided to take Charles Manly, a brother-in-law of Governor Dudley and of Senator Haywood, a man of erudition and of agreeable manners, who for a quarter of a century had been associated with the members of the Assembly as Clerk of one House or the other. The convention denounced Polk's administration and particularly the war with Mexico, and extolled Clay's policies, and finally endorsed the military heroes, Taylor and Scott, and Clay as their favorites for the presidency. On the 22d of February, the day the convention met, the treaty of peace with Mexico was ratified by the Senate. Mangum voted for the ratification; Badger against it, along with some Northern Senators.

The Whig  
platform

The treaty

Nearly two months later the Democrats held their convention. While the outlook for success seemed doubtful, there were several whose names were suggested by their respective county conventions; but at length the name of David S. Reid was brought before the convention and accepted. Mr. Reid had been in the State Senate and had served two terms in Congress, but by the "Rayner-Mander," was cut out. He was at his home in Caswell, and, when notified, wrote a letter declining the nomination. At once a messenger was sent asking him to come to Raleigh. He came and declared that he would make the race only on condition that he might advocate a change in the State Constitution annulling the provision limiting voters for State Senators to freeholders. He proposed "free suffrage" as to both houses. Holden, the editor, and some of the other leaders assented; although there was no authority by the convention for such a position. On that basis, Reid accepted and entered on the campaign. When at their first meeting he sprang that issue on his competitor, Manly, the Whigs were dumbfounded. There was some difference of opinion, but Manly and his party accepted the issue. While Reid was neither an eloquent orator nor a brilliant

Reid pro-  
poses free  
suffrage



man, he had profound sagacity and was adept in addressing his audiences ; and his integrity, purity and personal characteristics ranked him high in the regard and esteem of those who knew him.

Manly and  
Reid

At the election, Manly polled about the usual Whig strength, but the Democrats rallied several thousand new voters to their aid, and came near electing Reid. Indeed, a change of 450 votes would have secured him the prize, his support being 6,000 more than Shepard's two years before. In the Senate, and in the House as well, the parties were tied, the Democrats having secured ten more votes in the House than at the previous election. This close result in August now increased the interest in the presidential election.

#### **The National conventions**

In the Democratic National Convention held on May 7, the North Carolina delegation presented James I. McKay for the vice-presidency and at first voted for James Buchanan for President, but later, for Lewis Cass of Michigan, who was nominated along with William O. Butler of Kentucky for Vice-President, a hero of the war of 1812, and of the Mexican war, also.

Governor Morehead presided over the Whig National Convention, held in Philadelphia on 7th of June. There was great enthusiasm. Governor Morehead was for Clay, but the delegation gave a majority to Taylor who on the 4th ballot was nominated over Clay, Scott and Webster. The South and West nominated him. Fillmore of New York was nominated for Vice-President. Taylor owned a plantation in Louisiana, and was a slaveholder. The South gave him eight more electoral votes than it gave to Cass. The result was : Taylor, 1,360,010 popular votes and 163 electoral votes in 15 states ; Cass, 1,220,544 popular votes and 127 electoral votes in 15 states ; Van Buren, Free Soil, received 290,263 popular votes. Pennsylvania gave her 26 votes to Taylor, and elected him.

**New conditions**

When the Assembly met in November, conditions had brought forward new problems. Eight years had elapsed since the completion of the two railroads, and although new roads were prospected, no further effort had been made to provide similar transportation facilities. In some other states where extravagant hopes had led to great endeavors the results had not been answerable to the expectations, and financial distress had followed. Here the promoters of the Wilmington road rejoiced that they had been led to go direct to Weldon, and, with their steamboats, had a through line from the South to the North. Starting in 1841, their operations had resulted for that year in transporting 9,782 through passengers, and 5,498 way passengers—the receipts being \$291,298 and the expenditures \$241,948. By 1848, the through passengers were 11,458 and way, 28,327. The receipts being \$317,459 and expenditures \$275,928. The company needed money to substitute for the light bar iron rail a heavier and more permanent rail, and it had sold bonds bearing five per cent interest in England to the amount of \$222,666. The first improved rail was in the shape of a “U,” but soon the T rail, weighing 52 pounds to the yard, was introduced. But even on that road, President McRae, in his report, said: “We have been straitened for money to transport all the freight offering”; and it was said that the authorities urged the inhabitants having access to the Northeast Cape Fear River to resort to the river, as in previous times, saying that they “did not want to wear out their road hauling such heavy freight—tar, turpentine, rosin,” etc.

Condition of  
W. and W.  
Railroad

Leg. Doc.,  
1848

The flat iron

The real estate along the line of that road was valued in 1847 at about two million dollars more than when the road was opened. The cost of new iron for the entire line would be about \$600,000, being \$4,000 a mile. The entire number of employees, including shops and steamboats, was 458, of whom half were negro laborers.

The situation of the Raleigh and Gaston Railroad had gone from bad to worse. In February, 1848, a destructive fire at Raleigh had destroyed all the machine shops and had

R. and G.  
Railroad



injured five engines, destroying one entirely, and four partially. Some little new iron had been obtained, and for ten miles from Gaston the road was in good condition; but on the rest of the line, "the flat iron was much broken, and there was a great waste of labor in temporarily refitting the fragments, that were soon broken again. And, indeed, it was said that there were four miles on which there was no iron at all. The bridge between Gaston and Blakely moreover, was in bad condition, and the road needed money at once. While the receipts were about equal to the ordinary working expenditures, with no southern connection, there was no hope of any increase in earnings.

Other  
companies

The Portsmouth and Weldon road had failed and was not running; later, it was restored and put in operation. The Roanoke Navigation Company, with a capital of \$395,000, was making dividends on the tolls on produce brought down the river, and their improvements were all substantially completed.

Leg. Doc.,  
1848

The Cape Fear Transportation Company had spent \$61,218 in improving the river below Fayetteville, and steamboats were plying regularly. They had spent \$60,000 on the canal at Fayetteville, and \$41,000 on the Buckhorn Canal at Haywood, and \$13,000 on the river above Fayetteville. The great project had been to establish water transportation from Fayetteville high up Deep River. A civil engineer, Colonel Thompson, employed by Walter Gwynn, the general adviser of the Board of Navigation, now made an elaborate report, describing the locks, dams, canals, etc., that were to be constructed from Fayetteville up the Deep River to within 33 miles of the Yadkin. In it, he said: "Upon Deep River, 12 miles above its confluence with the Haw, we first come upon the bituminous coal deposits, which extend on both sides of that river for some fifteen miles above and form one vast coal basin. At some points the borings have been continued some twenty feet without finding the thickness of the bed." "Hematite iron ore is also found upon the banks of Deep River, soapstone, and also a substance very much resembling black lead." The

Coal deposits

engineer suggested the use of such steamboats as were running on the Neuse, very light draft.

On the Neuse, but little progress had been made in clearing out the river; but Captain Dibble had a steamboat on it "100 feet long by 17 feet wide, the paddle being at the stern, and drawing when light but 18 inches," and two years later the Dibble Steamboat Company was chartered. On the Tar, and up the Roanoke, there was at least one steamboat—the *Oregon*, employed by an enterprising merchant, W. H. Willard, in his business, which attained great proportions—he largely supplying Charleston with corn produced in the great granary of the eastern counties. In the interest of commerce, there was agitation for clearing out the Oregon Inlet and other improvements of the great sound.

Steamboats

Plank roads were now coming into use. Two were projected from Wilmington through the deep sandy country of that region; and one from Fayetteville across the sands to the west, and there was, as ever, talk of a turnpike from Raleigh westward; and of one from Salisbury to the Georgia line.

Plank roads

There was under construction a railroad from Charlotte to Columbia, where it would connect with the South Carolina road that had been built to Charleston and other points at the south. In Virginia, a road from Richmond to Danville was being built; and its promoters, like the South Carolina capitalists, were desirous of effecting communication between these lines. That project led to a proposition to build a road from Charlotte to Danville, which found ardent favor along the proposed line. Governor Morehead at Greensboro, Rufus Barringer at Concord and John W. Ellis at Salisbury but voiced the feeling of the western and middle counties in urging such a road.

Charlotte and Danville

The west had ever been so cut off from the east by natural obstacles, forbidding transportation, that practically all the western trade was either with Virginia or South Carolina; and the situation was, indeed, such that at times some of the western people desired to form a separate state.

While these projects were discussed, a new subject was also in the public mind—the care of the insane—the construction of an asylum, where those who were bereft of their

The insane



reason could be treated with humanity and decency, instead of being confined in jails, often in irons, and in the county poorhouses, or locked up on the premises of their kinspeople.

### The Assembly

1848-49

The actors

The personnel of the Assembly was superior. Among the Senators were W. N. H. Smith, Joyner, Speight, Murchison, Geo. W. Thompson, Hawkins, John M. Worth, John A. Gilmer, Patterson, Woodfin, Thomas, W. S. Ashe and Calvin Graves; and in the House were Stanly, Thomas McDowell, Tod Caldwell, Rufus Barringer, Ferebee, Colonel Paine, James Leach, Clement, Gilliam, D. F. Caldwell, Richard H. Smith, Rayner, Wooten, S. J. Person, Giles Mebane, John W. Ellis and J. C. Dobbin. It was, indeed, a veritable assembly of wise and patriotic men, devoted to their people and State. Many were either then distinguished, or afterwards attained high distinction.

Among those playing particular parts at this session were Rufus Barringer, later the famous cavalry leader in the great war; Stanly, long practiced in public affairs, and a Whig leader, devoted to the interests of the commonwealth; Gilmer and Woodfin, both Whigs, men of great mould and lofty character; Gilliam, courteous, admired, and learned; Calvin Graves, a strong man, firm in his democracy, but firmer in his patriotism; Ashe and Dobbin—friends from boyhood—Dobbin, delicate, cultured and refined and of such purity as to equal, at least, the venerated Gaston; Ashe, a student, but robust, jovial and a manager of men in accomplishing results. Both were followers of Jefferson in the school of states' rights; but discarded the negative philosophy of their Democratic associates and advocating State participation in enterprises that tended to prosperity and development.

The houses  
tied

There being a tie in each house, the Whigs insisted that the assemblymen should have regard to the voice of the people; and that as the people had elected a Whig Governor, and had given Taylor in November more than 8,000 majority, therefore, in the unusual situation, the Whigs were entitled to the organization. In the House, they presented

Robert B. Gilliam as their candidate for Speaker, and the Democrats offered James C. Dobbin of Fayetteville. On the first and second days there was no choice; and on the morning of the third day, Mr. Dobbin withdrew his name and Gilliam received twenty-two Democratic votes, and was elected.

Gilliam and  
Graves,  
speakers

In the Senate, where W. S. Ashe of New Hanover seems to have been the most active among the Democrats, the situation was not so easily clarified. Ashe presented Calvin Graves for Speaker, and the Whigs, Andrew Joyner. There was no election.

At length, on the afternoon of the 4th day, Senator Patterson offered some resolutions that the organization could not be effected without conciliation and concession, and that the Speaker be given to the Democratic party, but that the present clerks be retained. The Senate by a vote agreed to that 25 to 21, and Calvin Graves was elected, seventeen Whigs voting for him.

Graves in  
Senate

#### Graham's message

Governor Graham now transmitted his message. Like his former one it was largely devoted to State affairs. He mentioned that under the act of 1846, two millions of acres had been added to the land listed for taxation, and the valuation of the land and town lots had risen to sixty-six million dollars, being an increase of eleven millions. While the buildings for the education of the deaf and blind were then in process of construction, the school for the deaf mutes was in progress with 25 pupils. The money distributed for public schools in 1847 was over \$101,000—but many of the counties had not levied the tax for their one-half to be contributed by them. He suggested that the delinquent counties should be required to levy the tax. Also he repeated his recommendation for a Commissioner of the Public Schools. In compliance with one of his suggestions the General Assembly passed a resolution requesting future governors to recommend a day of Thanksgiving.

Judge Daniel having died, Governor Graham had appointed William H. Battle to that vacancy, and Augustus Moore to the Superior Court bench to succeed Judge Battle;



and Edward Stanly having resigned as Attorney-General, he had appointed B. F. Moore to that position.

### Transportation

The Governor urged the Assembly "to abandon further hesitation and adopt at once a program of improvement commensurate with the wants and interests of the State."

Graham's  
plan

In regard to the Raleigh and Gaston Railroad, he went fully into every detail, and urged measures to make that road profitable by extending it to Charlotte, the State subscribing to a new corporation—the North Carolina Railroad Company—that would take it over. He mentioned his proposed North Carolina railroad "as the ground work of an extensive plan," embracing in the future, a road from Raleigh to Fayetteville; and another to Goldsboro; and even one from Beaufort to Goldsboro. He recommended that the Legislature should contribute "one-half, or at least two-fifths, of the necessary capital"; and he thought that it presented an opportunity for disposing of the Raleigh and Gaston Railroad.

Incidentally, the Governor mentioned that the Wilmington and Weldon Railroad was now on a paying basis; and that some enterprising citizens had commenced the navigation of the Neuse and Tar with steamboats. Later, on December 4, at the request of the Senate, he developed his plan of building the road from Charlotte to Raleigh, the State subscribing one-half the capital stock, and in part payment turning over to the new company the Raleigh and Gaston Railroad at \$500,000. As all of Governor Graham's State papers were, this message was an illustration of his fine intelligence, high capacity and patriotism.

Partyism

Necessarily there was the usual political clashing. One of the first matters of partisan import was the election of a successor to Senator Badger. The parties being evenly divided, the Democrats realized that they could not elect one of themselves, and made no caucus nomination and voted scatteringly; while the Whigs adhered to Badger. As soon as the Senate was organized, a proposition to go into the election was made, but unavailing until December 19.

On the first ballot Badger polled the full strength of his party, but no Democrat received a vote indicating party preference—merely individual compliment.

In Congress, the Free Soil advocates had been very aggressive, and the proposed "Wilmot proviso" gave point to the slavery controversy. This reopening of the slavery question and the attitude of many Whigs at the north in regard to it had its effect on southern thought and action. Among those who now regarded the situation with anxiety was Thomas L. Clingman, the Whig Representative from the Buncombe District. His position was such that several Democrats of his district in the Assembly and Ashe from New Hanover voted for him for Senator, hoping that some Whigs might join them in electing him, while they disapproved of some of Senator Badger's votes in the Senate. At length Badger received 83 votes, a majority; Clingman 67, other Democratic votes scattering.

### **The slavery resolution**

But the Assembly was not content to be silent on the slavery agitation. Resolutions were offered in the Senate to the effect that the states were equal; that the Constitution recognized the existence of slavery in the states, and Congress had no right to interfere with it or to ignore the right of any citizen of a state to remove himself and slaves into a territory; but that North Carolina was willing for the Missouri Compromise to be observed, and that slavery was not to be extended into the territory north of the line fixed by that compromise. Those resolutions were adopted unanimously in the Senate, and by 57 to 30 in the House.

The election for a Supreme Court judge came on. Battle having been appointed to succeed Judge Daniel doubtless would have been retained, but he lived in Orange County "where there were already three judges, a Senator and Governor." The contest was between Pearson and Strange, and after many ballots the former was successful. To supply the place of Pearson on the Superior Court bench, John W. Ellis was elected, and to succeed Augustus Moore, who had been appointed temporarily by the Governor, Battle

The judges



was elected—who, then, after filling the temporary vacancy on the Supreme Court, returned to his position on the Superior Court.

Waddell  
versus  
Berry

There was a noted contested election case in the Senate. At the August election, the sheriff of Orange County had awarded the certificate to Hugh Waddell—but Mr. Waddell resigned; and at a second election the same candidates were voted for. Then Berry got the certificate—but Waddell contested the election. Numerous legal questions arose, some of which were referred to the Supreme Court, and were considered and answered at great length by Chief Justice Ruffin, for the court. Eventually the Senate sustained Berry.

The points made in the case doubtless had effect in creating a sentiment favorable to abolishing the freehold qualification in electing Senators.

### Free suffrage

Indeed the campaign made by David S. Reid in favor of “free suffrage,” was resumed in the Assembly. Two bills were introduced, one to call a convention to amend the Constitution in that respect; and the other to submit the question to the voters—asking for the election of a three-fifths majority in the next Assembly. While neither of these bills passed, yet they precipitated long and heated discussions that tended to strengthen those in favor of the measure, and the Democratic party gained prestige.

Other leg-  
islation

There were a multitude of projects brought to the attention of the Assembly, some being of particular interest, and progress was shown in various lines.

The wife's  
property

The counties of Alamance and Watauga were established. An act was passed making the wife's consent necessary for the sale or lease of her maiden property by her husband during the period of his life; nor could it be sold for the husband's debts—a great step forward from the ancient law, and offering protection to the wives and children of the State. A female college in Anson was incorporated, and the Chowan Female Institute, along with thirteen other academies, and a loan was made to the Greensboro Female

College. Another Mutual Insurance Company was incorporated, as were the Cape Fear Steamboat Company, and the Wilmington Thalian Association, an organization of many of the men of culture of that town, whose association developed fine histrionic talent and contributed much to the benefit of the community until suspended by the Civil War. Three manufacturing, mining, and smelting companies were chartered, among them that of the Deep River Company.

Progress

Needed aid was given to the Wilmington and Weldon Railroad and small appropriations for clearing out Neuse and Deep rivers and for similar purposes.

County superintendents of education were now provided for, and the superintendents of the several counties were required to make reports of statistics to the Literary Board, paving the way for the adoption of the deferred proposition to have a State Superintendent.

County  
superin-  
tendents of  
schools

On the first of January, Governor Manly was inaugurated—kindly, gracious and patriotic, fully acquainted with State affairs, and well equipped and able—replacing Governor Graham, whose administration, admirable in all things, likewise is memorable for the innovation of raising the flag over the Capitol, and for the day of State Thanksgiving. Years were to elapse before there was a day of National Thanksgiving.

Governor  
Manly

### Dobbin's speech

To James C. Dobbin has been accorded the praise of being at this session the greatest benefactor of the State. A thousand insane persons were in the jails and poorhouses of the counties, and every effort for their relief had proved unavailing.

Miss Dorothea Dix of Boston, who had long been devoted in her efforts to have the insane of this country properly cared for, had made an examination of the jails of the State and now was urging the Legislature to construct an asylum. She prepared a pamphlet of some 50 pages which was laid before the Assembly, and for which she received the thanks of that body. But the opposition to any appropriation rendered her efforts apparently unavailing, until at length Mr.

Miss Dix



Dobbin made an appeal that touched the souls of men and awakened the consciences of the people. From that time onward repugnance to the State's doing its duty in the matter of expenditures faded away. A new leaf was turned in the history of the State. In the early days of the session Miss Dix was utterly discomfited by the attitude of the Democrats in regard to incurring debt; but Mrs. Dobbin was very ill at the Mansion House, and Miss Dix was so sympathetic with the invalid, that Mrs. Dobbin just before her death, asked her husband to assist the philanthropist. Mr. R. D. W. Connor in his sketch of Mr. Dobbin, mentions "Mrs. Dobbin died December 18. On December 22, Mr. Dobbin returned to his seat in the House, and moved a reconsideration of the asylum bill, and offered an amendment which seemed to solve the problem of raising funds. This amendment he supported in a powerful speech, traditions of which linger to this day.

Dec., 1848

"It seemed as if he himself felt the misery of those throughout the State who are deprived of God's noblest gift, as he pleaded their cause, with great eloquence, losing sight of himself in his manly appeal for them. He seemed not to realize that he was effecting anything until he became conscious of the deathlike stillness in the room, and beheld tears falling from the eyes of the Speaker of the House.

"One of his strongest partisan opponents said of his effort: 'The speech of Mr. Dobbin in favor of the bill, on Friday morning last, was one of the most touchingly beautiful efforts that we ever heard. Its noble and eloquent conception, impressive delivery, and the circumstances which prompted and attended it all combined to render it truly worthy of the occasion.' He won a great triumph. The bill passed by a vote of ten to one, and ample appropriations were made. The magnificent hospital for the insane at Raleigh is a monument no less to the eloquence of James C. Dobbin than to the disinterested philanthropy of Dorothea Dix. No greater service was ever rendered to North Carolina than the service of Dorothea Dix and James C. Dobbin. If Mr. Dobbin had never contributed anything else to the happiness and honor of the State, this alone would entitle him to the eternal gratitude of her people."

When the site of the institution was selected it was named Dix Hill in commemoration of Miss Dix's great public service.

### Transportation measures

The railroad situation had given great concern. It happened that four or five measures before the Assembly brought a solution that proved to be eminently satisfactory to the State and most beneficial in removing sectionalism and unifying State interests, and harmonizing differences. Almost immediately on the opening of the session, John W. Ellis had introduced in the House the bill to incorporate the Charlotte and Danville Company, asking no State aid. It was referred and reported favorably. In conformity with Governor Graham's recommendations, primarily, to rescue the State's property, the Raleigh and Gaston Road, from its financial embarrassments and make it the foundation stone of a thorough State system, a bill to that end had been introduced in the House. Mr. Dobbin had introduced a bill to incorporate a plank road from Fayetteville to Salisbury, with branches, but not asking State aid; and a measure for the State to construct at its own expense a turnpike from Salisbury to the mountains, and then down to the Georgia line, was also before the Assembly.

The several  
measures

General Barringer in a notable account of this Assembly says—as to Governor Graham's railroad project—"It was pointedly objected that the first and immediate effect of such a line would only be to build up towns and cities out of the State, with the mere chance of an eastern extension, therefore that met with no approval."

The  
objection

Similarly, the Charlotte and Danville proposition was not received with favor. "The most determined, ever-ready, outspoken opponent of the Danville connection was the Hon. Edward Stanly of the extreme east. No railroad was ever likely to reach his home; and he had no scheme to embarrass him. He stood forth as a bold and really honest advocate of any really good North Carolina system that would likely build up our State." But, "he boldly avowed his purpose to fight in every conceivable way what he called

Morehead's  
measure



'The Danville Sale.' " But he would often say that "the friends of this South Carolina and Virginia *bondage* were not to blame, so long as the North Carolina Assembly failed to give our people a real North Carolina system."

"Governor Graham's plan had no strength, but there was a general demand for an advance movement." At last—"Mr. Ashe, the Democratic Senator from New Hanover, was urged to formulate a plan. His bill was a plain business scheme—the beginning of a sort of North Carolina system—calling for two millions of State money to build a road from Goldsboro to Charlotte—provided one million of stock was otherwise taken. . . . But the great appropriation staggered the members. No one attempted to lead off from the Ashe bill."

Wilmington  
by Goldsboro  
to Charlotte

Jan., 1849

Ellis having resigned to accept a judgeship, General Barringer took charge of the Danville bill and got it up as the session was closing, on January 15. "Mr. Stanly was baffling every effort to get a vote. I chanced to get the floor and resolved to hold it till a vote was reached. Mr. Stanly interfered with his regular statements about selling out to Virginia and South Carolina, and referred to Richmond as only 'a great slave mart,' and to Charleston as 'surviving only on past pretensions.' This, I resented; and defied him to make us an offer of any bill providing for a general North Carolina system. This was received with applause from the House. In a highly dramatic scene, Stanly then sprang to his feet and holding up the Ashe bill said he would pledge himself and friends to that bill if I would do the same. I assented." The House now was all excitement.

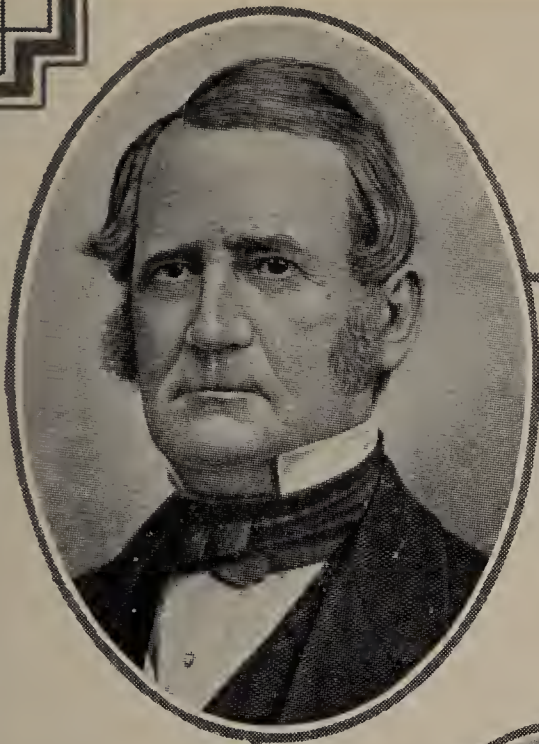
The Ashe  
bill taken

House Jour-  
nal, 672

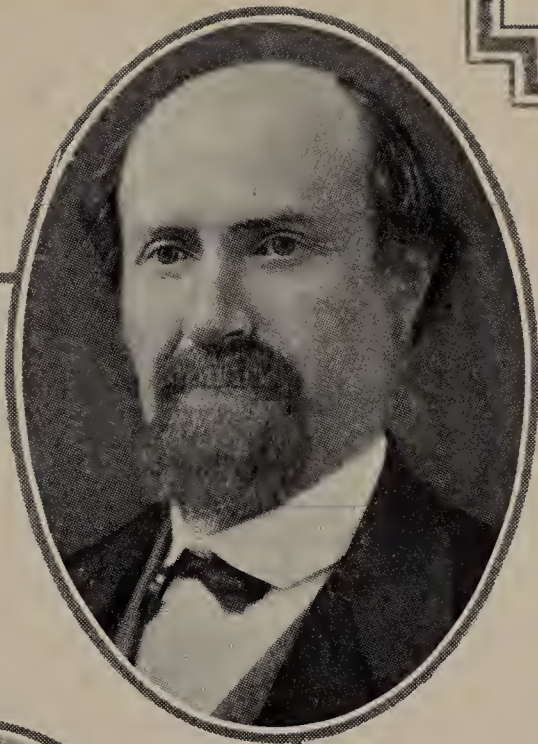
Mr. Thomas Williams of New Hanover, Senator Ashe's colleague in the House—"suggested that the Danville bill be laid on the table, and then that the Graham N. C. R. R. bill be taken up, so that the Ashe Senate bill might be offered for a substitute." That being done—General Barringer moved "to strike out all after the enacting clause" and substitute the Ashe bill. Then on motion of Mr. Williams the bill was made the special order for the next day. When the bill was reached the next day, the Ashe substitute was amended, by consent, by inserting five sections from the

Ibid, 673

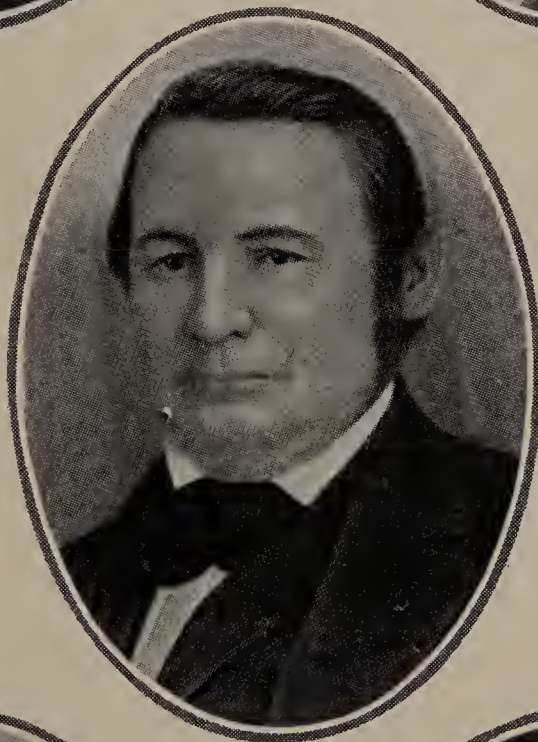




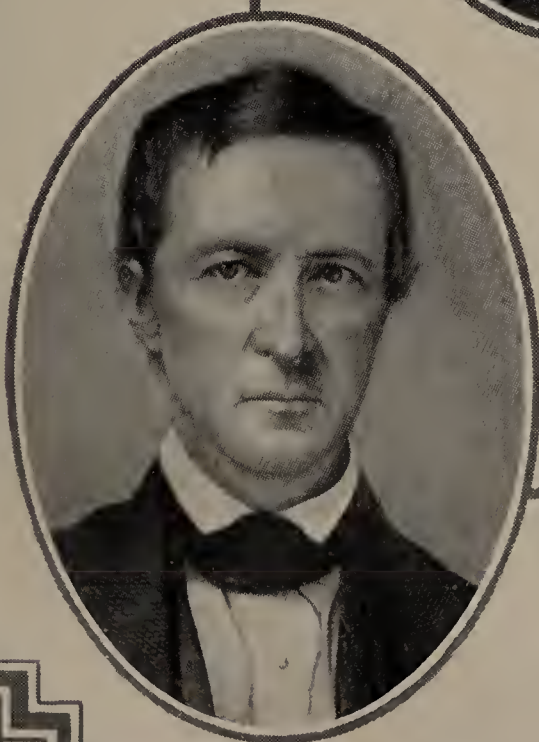
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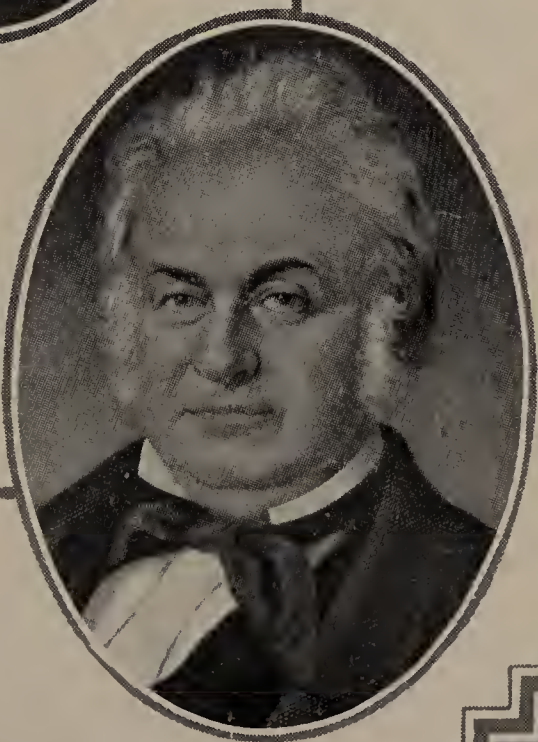
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3



4



5

1. William A. Graham

4. Calvin Graves

3. William S. Ashe

2. Rufus Barringer

5. John M. Morehead





Graham bill relating to the Raleigh and Gaston Railroad Company. At length on January 17, at the evening session, the bill was again before the House; and it failed to pass the second reading, the vote being 49 to 56—there being so many absentees that a call of the House was ordered; and there was great excitement and interest. A motion to reconsider having been made, the bill passed its second reading 60 to 49. "Now came another scramble for amendments, some to make the bill more acceptable in certain particulars, others to get in local improvements, and still others to so load it down with State aid as to defeat it, either here or in the Senate."

The next day, January 18, was one of great interest in the House. Intense excitement prevailed. The N. C. R. R. bill came up at the early session. Among the proposed amendments was one to clean out the Yadkin River; one to remove the shoals from Oregon Inlet; to connect the Raleigh and Gaston road with the Seaboard road; and one with a triple aspect, all touching the Cape Fear River, one proposition being to have the line run from Goldsboro to the Cape Fear River and then to Salisbury—with a branch line to Raleigh; another being for a canal and turnpike through Dismal Swamp; another to clean out Lumber River, and still another to open Nags Head Inlet. At last the bill passed its third reading 60 to 53.

The  
proposed  
amendments

Following that, Mr. Dobbin took up the Fayetteville and Western Plank Road bill—in which there was no provision for State aid. He now offered a new section providing for State aid; but it was defeated 48 to 57—Messrs. Williams, Barringer and Stanly voting in the affirmative. At the final session of that day, however, the bill for making a turnpike from Salisbury west to the line of the State of Georgia, at the cost of the State, passed its third reading. Senator Woodfin was happy. The only failure to give State aid to important transportation facilities was the defeat of Mr. Dobbin's amendment to the Plank Road bill.

"The chances in the Senate for the N. C. R. R. bill were all in doubt." The Democratic Senators "were hard to lead and could not be driven," and then "some of the Whigs stood aloof." Every Senator on the floor from Person

Barringer's  
account



The  
opposition

Biog. Hist.,  
V, 391

County to Ashe was opposed, as had been the members in the Commons from those counties. The Virginia connection may have been deemed of greater importance, but they were also opposed to State aid. Calvin Graves, the Speaker, was silent amid the conflicting interests; for the supporters of the Charlotte and Danville road were still hopeful of it in the Senate. Judge Saunders and others made strong appeals for the North Carolina road, but all to no purpose. The passage of the bill seemed to lack the necessary votes.

On the evening of the 19th of January, the engrossed N. C. R. R. bill came to the Senate, and had its first reading, and the next evening, Saturday, on motion of Mr. Thomas of Davidson, it passed its second reading, 22 to 19, among those in the negative being Senator Murchison of Cumberland County.

Early on Monday the 22d, Mr. Dobbin in the House had the Plank Road bill made the special order for next morning. When taken up, Mr. Williams of New Hanover moved to insert five sections, providing for State aid for the Plank Road, and the amendment was adopted 45 to 44, and the bill passed.

Barringer

The intense  
interest

The railroad bill seemed to wait on that. State aid to the plank road was a prerequisite. On the morning of the 24th when the Fayetteville bill came to the Senate, Mr. Murchison called it up and it passed its second reading 22 to 20; and on the morning of the 25th, Mr. Ashe called it up for third reading and it passed 22 to 19, and immediately thereafter, Senator Woodfin of Buncombe called up the railroad bill. Several proposed amendments were disposed of. "The Senate chamber was packed with visitors and strangers from all quarters to see the fate of the momentous struggle, now so full of weal or woe to the dear Old North State, and which might settle here, once for all, the mighty effort to awake North Carolina from the long sleep of her death-like Rip-Van-Winkleism."

Speaker Graves calmly announced—The bill is now upon its third reading. The roll call began; and as feared nearly every Democrat voted "no."

The opposition now polled its full strength. Every pressure was exerted against State aid by the opposition leaders.

The measure lost two of those who had supported it on the second reading. In the House, D. F. Caldwell of Greensboro had voted for it—but the other two Representatives of Guilford were against it. In the Senate John A. Gilmer was openly for it, although Governor Morehead, not a member, still clung to his first love, the Danville connection, which, however failed in both branches of the Assembly, not only to his disappointment but to that of many residents of Caswell, Rockingham and other counties trading with Virginia. But while there was a defection of two former supporters, now that the Fayetteville Plank Road bill was passed with its State aid, Senator Murchison was satisfied, and he voted for the measure; also, Rowland of Robeson was now in his seat, and he voted for it. Jan., 1849

The tally was kept by hundreds. When the clerk announced twenty-two yeas and twenty-two nays, there was an awful silence. The slender form of Speaker Graves stood up, and leaning slightly forward with gavel in hand, he said: "The vote on the bill being equal, 22 yeas and 22 nays, the Chair votes yea. The bill has passed its third and last reading." The finale

The intense anxiety of the occasion now found expression. The plaudits were deafening, and the session of the Senate was broken up without adjourning. But while there was tumultuous joy on one side—there was sullen disappointment and unsuppressed murmurs of disapproval by that half of the Senate who had met defeat. Biog. Hist.,  
II, 112

The chamber and corridors were however packed with men bent on progress; and says General Barringer: "I have seen and read of many memorable and famous contests and have witnessed many outbreaks of popular applause, but never anything like that that then followed. Even the granite Capitol seemed to shake for joy." And presently, the bells of the city rang out proclaiming the glad tidings; and the news was hastened in every possible way to every nook and corner of the old Commonwealth and the one phrase was: "Speaker Graves has saved the State—The Railroad bill has passed."



Morehead's  
view

Governor Morehead, although at first smarting under his discomfiture, and the refusal of the Legislature to allow him and his people their much desired Danville charter, later, in a report to the Legislature, said: "The passage of the act under which the North Carolina Railroad Company is organized was the dawning of hope in North Carolina; the securing its charter was the rising sun of that hope; the completion of the road will be the meridian glory of that hope, pregnant with results that none living can divine." Its benefits to the State have, indeed, been incalculable.

## CHAPTER XXX

### THE DEMOCRATS OBTAIN CONTROL

California gold.—The subscriptions to the North Carolina Railroad.—Congressional election.—Slavery agitation.—The new territory.—Clay, Webster, Calhoun.—Death of President Taylor.—Graham in Cabinet.—The Progressive Democrats.—Free suffrage.—Reid elected Governor.—Compromise in Congress.—Personal conflicts.—Manly's message.—The Washington monument.—The State Fair.—The effort to stop the North Carolina Railroad defeated.—Plank roads.—Water transportation.—New counties.—Unconstitutional action at the North.—Free suffrage amendment submitted.—Carolínians at Washington.—Progress in the State.

#### Exodus of gold seekers

The acquisition of California led to some unforeseen results. Except the little gold found in Georgia and North Carolina, none had come to light in the United States; but some of the first explorers in California found gold in quantities and a great rush was made to the Pacific coast in that quest. The quantity added to the circulation in the states was enormous, exerting a most beneficial influence on the currency. 1849

Among those seeking fortune in the mines were many North Carolínians; while the stream of immigrants from elsewhere was constant and steady.

#### North Carolina Railroad

Immediately on the passage of the North Carolina Railroad bill, the friends of the measure set to work with enthusiasm to raise the one million dollars individual stock requisite for securing the State aid. The act, which never had been before a committee, was so well drawn that it anticipated practically every feature necessary for successful operation. Meetings were held at Salisbury, at Greensboro, and elsewhere in February; at Raleigh and Hillsboro in March.

Konkle:  
Morehead,  
299

Governor Morehead, his Danville project being defeated, now vied with John A. Gilmer in supporting the new line.



To secure  
the State  
aid

Governor Manly, in recognition of the service of Calvin Graves, appointed him on the Board of Internal Improvements; and Graves, Graham, Morehead, Gilmer, Cameron, Boylan and Swain and Judge Saunders, who had now returned from Spain, were foremost in the work of making the charter of the North Carolina Railroad operative and for once laid aside their partyism and put their shoulders to the wheel to obtain the necessary private stock.

The great  
efforts

Leg. Doc.,  
1850

Meetings and conventions were held in many counties and a generous rivalry prevailed. In some instances the example of Wilmington, ten years earlier, was emulated. At length Gilmer presented a plan to secure the untaken stock—each new “signer, whether individually or as companies, agreeing to take a hundredth part of the unraised balance.”

Morehead,  
304-311

Graves, Morehead, and Gilmer made a canvass of the western counties. The result was reassuring, as also was the outcome of the canvass in the eastern counties. Indeed, at a meeting at New Bern, after a speech by Judge Saunders, \$70,000 was subscribed towards an extension of the road from Goldsboro to New Bern.

July 11

The Direc-  
tors fix the  
line

On June 5, 1850, after a year's work, Governor Morehead announced the completion of the \$1,000,000 subscription, and the stockholders met at Salisbury on July 11 to organize. Twenty counties were represented. Governor Morehead was elected president. The line was fixed by the directors to run through Hillsboro, Greensboro and Lexington: and, on July 11, 1851, at Greensboro, ground was broken for the construction, and the building began.

While the passage of the act was most memorable, the success of Morehead, Graves, Saunders, Boylan and their associates in raising the needed private subscription was one of the most notable achievements in the history of the people of the State.

### Congressional election

In March, 1849, President Taylor was inaugurated. There was no meeting of Congress until December 1, but the Whig administration ardently entered on the usual routine of substituting its supporters for the Democratic office

holders. There was much feeling in political circles when the election of the new Representatives came off in August; but while there were several changes in the personnel, the Whigs retained their six districts and the Democrats their three. In the Washington district, Edward Stanly was elected; and in the Cape Fear district, McKay, now greatly distinguished at the end of his long service, declining to run, William S. Ashe was selected as his successor.

### Slavery agitation

When Congress met in December, it began one of the stormiest and longest sessions ever held. The slavery question took precedence of all other subjects in the minds of both the Northern and Southern members, for the North now proposed to ignore the Missouri Compromise. 1850

After a prolonged and heated contest over the Speakership of the House, a resolution was adopted that a plurality vote should elect, and, finally, Howell Cobb of Georgia was elected under that resolution.

In California, where there had been such an accession of population, without the usual congressional authorization, a convention had been held and a constitution adopted, in which slavery was forbidden in California, although a large part of that territory was below the line of the Missouri Compromise.

California now applied for admission into the Union as a State. There were also bills before Congress to establish Utah and New Mexico as "territories," and bills to forbid bringing into the District of Columbia any slave for sale; and to provide through the Federal courts a method of returning fugitive slaves to their owners, some of the northern states having passed laws forbidding that to be done by state officials.

Questions arising on the subject of slavery were thus before Congress; and the North was very insistent on having its own way, so that many of the Southern members talked of secession as the only proper course open to the South.

On the 29th of January, Clay offered a measure of compromise and adjustment, known as the "Omnibus Bill," and

Clay's  
measure



Clingman,  
30

The Wilmot  
proviso

Death of  
Calhoun

Chronicles  
of the Cape  
Fear

Death of  
President  
Taylor

on March 7, Webster followed with an earnest appeal to observe the Constitution. In describing this great speech—General Clingman wrote: “Intense anxiety prevailed in Washington in the minds of men of all shades of opinion. The shadows of those events which occurred a dozen years later seemed to oppress the minds of all present. He had been speaking for nearly an hour on the subject before he indicated the position he meant to take. Every look retained its intense anxiety of expression, until, at the close of one of his sentences, he said in an emphatic manner, ‘I will not vote for the Wilmot.’ I never witnessed such a sense of relief in the public mind; he had drawn from the dark cloud the lightning which seemed ready to burst on the country.” But his appeal for the observance of the Constitution was unheeded by many in Massachusetts, who denounced him; and the few remaining months of his exemplary life were embittered.

Calhoun also desired to be heard; but he was too feeble to deliver his speech, and it was read by Senator Mason of Virginia. Then, on the last day of March, the closest thinker of the trio of eminent men who adorned that generation passed away. In life, he was distinguished for his personal purity as well as for his unusual talents. While not rivaling his competitors in oratory, he far surpassed them in the excellence of composition and the cogency of his reasoning. As his remains were conveyed to Charleston, they were met by public demonstrations in his honor. At Wilmington, the body lay in state, and a committee accompanied it as an escort to its final resting place.

On July 9, President Taylor died. His obsequies at Washington were in keeping with the national sorrow at the lamented death of a great military favorite whose career had reflected honor on the American name. His steed, “Whitey,” that had borne him in Mexico, was led in front of the caisson on which rested the remains of his hero-master, and in after years he had the free use of the White House lawns. While President Taylor had called about him as his Cabinet men of high respectability, Fillmore, his successor made a thorough change in its personnel. Fillmore was a statesman and party man, and he recognized

the distinguished services as well as the fine abilities of his party associates: Webster, Conrad, Crittenden, Governor Graham and A. H. H. Stuart were among those who constituted his eminent advisers.

Graham,  
Secretary  
of Navy

### In the State

In the meantime the usual preparations for the August election were being made throughout the State.

A caucus of Democrats was held at Raleigh, at which David S. Reid was again favorably considered for Governor. Mayor John T. Eaton who had favored the incorporation of the North Carolina Railroad presided. Asa Biggs, one of the strongest characters of the party, offered a resolution favoring an amendment of the State Constitution prohibiting any appropriation for internal improvements unless it had been submitted to the people at the polls. This produced great excitement. It drew the line between the progressive Democrats and the "Old Guard." Judge Saunders and Mr. Eaton were firm. The general understanding was that hardly ten per cent of the Democrats were for such appropriations and it was difficult for the remainder to submit themselves to the dictation of the few. The sullen murmurs that marked the passage of the North Carolina Railroad bill now found expression, but Mr. Eaton declared that if such a resolution were adopted he would leave the chair and Judge Saunders affirmed that 5,000 Democrats would take no part in the election.

The Pro-  
gressive  
Democrats  
stand firm

1850

With great reluctance Biggs, submitting, withdrew his proposition. It was another step forward in changing the attitude of the Democratic party toward State progress and the social uplift of the people.

County conventions were now held by both parties. Early in June the Whig State Convention met, Governor Morehead presiding, and naturally renominated Governor Manly.

Editor Holden, while still urging Reid's "Free Suffrage," had precipitated another issue, much in the same line, the election of the judges by the people for a term of years.

Holden's  
Memoirs, 7



Free  
suffrage

The Whigs, confronted with these two issues, preferred to refer those subjects to the people at the polls, taking no stand on them.

Three days later, the Democratic Convention convened—Judge Strange presiding. It nominated Reid, and took strong ground for Free Suffrage and the election of judges by popular vote. On the slavery question, it stood on the resolutions adopted by the previous Assemblies, affirming the State's adherence to the Missouri Compromise.

In the campaign Manly, at the west, brought forward a proposition to abandon the Federal basis of representation, under which five negroes were rated as three whites. This was a popular hit in that region, but it was in conflict with the compromise of 1835—and raised a clamor at the east. As forecast by all indications, the Democrats won—and the Whigs were beaten in the State by 2,859 majority; while the Democrats had eight majority in the Senate and seventeen in the House.

### **The settlement**

In Congress the heated debates continued until September, when for Clay's Omnibus bill several separate measures were substituted; and although California was admitted under her constitution, in the acts establishing Utah and New Mexico as territories there was inserted a provision that when they should apply for statehood, they "should be admitted with or without slavery as their constitutions should provide."

The vote

In the House, the Democrats and Whigs of the North Carolina delegation voted for the Utah bill, Utah being north of the Missouri line, but Clingman then voted with the three Democrats against the New Mexico bill, as New Mexico extended south of that line: and the delegation, except Caldwell and Stanly, voted against the admission of California—that territory also extending south of that line; nor had California acted as a state, nor even as an organized territory.

While there was high debate in both branches of Congress, the clashing did not stop at words. Fiery Edward

Stanly, whose immediate family connections had on occasions resorted to the duello, had a collision with Clingman—a brave man, and as cool as determined, who himself had been out to Bladenburg with hot-headed Yancey. However, that passed without leading to the field of honor. But, Inge of Alabama, was as hot as Stanly; and after an exchange of discourtesies on the floor of the House, they met at Bladenburg, the traditional battle-ground of irate Congressmen. Fortunately, they both survived; and later, they both moved from their states to California.

Duels

Throughout the South there was much restlessness at the abandonment of the Missouri Compromise by the North and the alleged purpose to curtail the rights of the Southern States under the provisions of the Constitution. And the governors of some of the Southern States appointed delegates to a convention to be held at Nashville in November, at which strong resolutions were adopted looking to the preservation of the rights of the Southern States.

### The Assembly

When the Assembly met the Whig dominance in State affairs was expiring. Weldon Edwards was chosen Speaker of the Senate over Joyner by nine majority; and Dobbin, Speaker of the House, over Rayner by sixteen majority.

Nov., 1850

Governor Manly now transmitted his message in which, declaring for the maintenance of southern rights, he said: "Since the last meeting of the General Assembly our country has passed through a fiery ordeal of conflicting passions. Ardently devoted to the perpetuity of our Union—to the Constitution—'as it is,' and at the same time knowing and daring to maintain and defend its rights, as guaranteed by this national compact, no state rejoiced with more unalloyed satisfaction at the amicable settlement of this distracting controversy. But let us not be misunderstood; let it not be supposed that our deep and abiding devotion to this Union is such as to render us insensible to the just appreciation of our rights, or callous to the stain of dishonor. We have rights which are ours by the Constitution; ours by compromise, and by the supreme laws that govern us. These

Journals,  
180Manly for  
Southern  
rights



will never be surrendered. We take our stand in the ranks of southern destiny." Such was perhaps, the general feeling; but there were those who, twelve years later, sincerely regretted that the South did not in 1851, make the stand she took in 1861—after the North had so largely increased in strength and power.

The railroad  
extensions

The Governor also discussed the proposed amendments to the State Constitution and the State finances; and recommended the extension of the North Carolina Railroad east and west, and other internal improvements; and the construction of a ship canal at Nags Head—and similar aids to commerce. He also renewed his recommendation of a geological survey, and dwelt on the school law. Particularly he urged the appointment of a General Superintendent of Common Schools, and brought forward his suggestion that the school fund should be divided among the counties on the basis of the number of white children, disregarding "the Federal computation."

### The Washington Monument

Various states had contributed blocks of marble to represent them in the Washington Monument, and an association of gentlemen of Lincoln County had supplied the Governor with such a block for that purpose. The Legislature approved of this action, and directed that the block should bear the inscription:

NORTH CAROLINA  
DECLARATION OF INDEPENDENCE  
MECKLENBURG  
MAY, 1775

Resolutions,  
1850

May 20  
abandoned

That block was imbedded in the monument; and, likewise, an association at Hillsboro sent forward a block for the monument; as also did the Wilmington Thalian Association, and likewise the Mechanics of Raleigh and the North Carolina Temperance Society sent blocks. North Carolina contributed these blocks that are today found in the structure.

### The State Fair

The Governor submitted many communications from different states, relating to political and other subjects. The new "hope" that Governor Morehead had emphasized gave an impulse that found expression in an "Industrial Convention" that met in December. One of its projects was to hold State exhibitions of products at "State Fairs" under the name of "The North Carolina Industrial Association." These exhibitions were to be held at Raleigh in October of each year. Their first act was to ask the Legislature to provide for a geological and agricultural survey of the State—and the Legislature responded by providing for such a survey, authorizing the Governor to appoint a suitable person to make it under the supervision of himself and of the Literary Board. And at the next session, the State Fair was provided for to be held by the North Carolina Agricultural Society at Raleigh.

Acts, 1850

### Defeat of the old Democracy

Governor Reid in making the race for Governor had declined to approve the North Carolina Railroad bill; and hardly had the assemblymen gotten warm in their seats before Bridgers, a Representative from Franklin County, offered a set of resolutions "that it was inexpedient to build that road at present; that a majority of the freemen of this State were opposed to building it; that the stockholders be requested to surrender their charter." Early in December when these resolutions were taken up, Mr. Pope of Halifax moved that as "the values of labor had been increased during the last two years so that the cost of building would be double, that the charter should be abandoned—that a large majority of the people are opposed to it." But on a motion to indefinitely postpone the resolution, the defeat of the "Old Democracy" was beyond all expectation. The yeas were 80, and only 36 voted against the postponement.

House Journal, 1850,  
p. 621

Ibid., 621



**The step forward**

Ibid., 514

Acts, 1850

It was a grand triumph for the progressive element. The step forward had been made. There was to be no return to the old paths. On the other hand, on motion of Mr. Walton of Burke a resolution was adopted instructing the Committee on Internal Improvement to report on the extension of the North Carolina Railroad to Beaufort—and also to the Tennessee line. A road was chartered to be built from New Bern to Goldsboro and other railroads were incorporated. Aid was given to the Wilmington and Manchester Railroad; and after a great struggle, an act was passed providing for a new company with capital of \$850,000 and for the sale of the Raleigh and Gaston Railroad to the new company for \$500,000, taking a mortgage as the security for that amount.

**New projects**

Plank roads

The new era of plank roads had now arrived. Besides five plank roads centering at Fayetteville and reaching towards every point of the compass, there were a dozen others incorporated; while in the mountain section many turnpikes were provided for.

A bill was passed to improve the navigation of Deep and Yadkin rivers and to connect them by a "portage railroad"; another to incorporate the Yadkin Navigation Company, and another to improve the Haw; another to incorporate the Neuse River Navigation Company, and to incorporate the Dibble Steamboat Company for the Neuse; nor were other small streams neglected. It seemed indeed, as if the time had come when "transportation" was to be not merely a subject of discussion but a subject of action by the people.

An act was passed to lay off the county of Hooper in Richmond and Robeson counties, but subject to a vote of the people; which seems to have been unfavorable.

New  
counties

The counties of Madison, Jackson and Yadkin were established outright.

Some fifteen academies were incorporated; eleven mining companies, some being for gold; and six manufacturing companies, such as the Neuse, at the falls of the Neuse; Weldon, at the falls of the Roanoke, and so on.

**Northern states disregard the Constitution**

There were a half dozen resolutions introduced on the subject of the compromise in Congress—the public mind being much excited because some of the Northern States were seeking to evade their duty to return fugitive slaves.

Right of  
secession

Mr. Blow of Pitt, a Whig, offered one to the effect that “Whereas the fugitive slave law was all that was gained by the South in return for the surrender of important rights, Resolved, should said law be nullified and made inoperative by the people of the North, we will be in favor of a dissolution of the Union.”

House Jour-  
nal, 515

But while the right of secession was now firmly asserted, especially by Editor Holden, and the Democratic leaders, yet the Legislature omitted to give voice to the purpose; and the only resolution of a sectional nature adopted was one that “North Carolina feels herself under no further obligation to protect the home industry of the nonslaveholding states.”

Acts, 1850,  
p. 512

And Vermont having communicated her resolutions “for the promotion of peace,” and that State having “passed an act for the nullification of ‘the Fugitive Slave law,’ it was, on the last day of the session resolved, ‘that the Governor send back to the Governor of Vermont said resolutions, with a declaration that North Carolina will not receive from a sister state resolutions violating the Constitution and bringing into jeopardy the peace and safety of the Union.’ ”

Ibid., 522

**Free suffrage**

Hardly had the House organized before Judge Saunders proposed to amend the Constitution by abolishing the freehold requirement for voters for the Senate; to elect by popular vote the judges for seven years; to elect justices of the peace by popular vote; and to restrict appropriations.

Bills were introduced on these subjects, some providing for a convention, others for legislative amendments. The House having passed a bill providing for free suffrage, by the necessary three-fifths vote; the Senate at first, January 18, failed to pass it.

Senate Jour-  
nal, 309



House Jour-  
nal, 958

Senate Jour-  
nal, 328

The House, therefore, January 21, passed a bill, 67 to 40, to submit the question to the vote whether there should be a convention to amend the Constitution. This alarmed the eastern Senators. There had been a motion in the Senate to reconsider the vote of January 18, and now threatened by this action of the House with a convention, the Senate reconsidered its former action, and passed the original House bill, 32 to 16. That much was now accomplished by the West.

It was the first step in making the Constitutional change proposed by David S. Reid, who now on January 1, in consequence of that proposition, in large measure, entered on the office of Governor, ushering in a long period of Democratic control in the State.

In August came on the Congressional election. The Democrats had now accepted the Compromise of 1851, and quietude had followed. On that basis a spirit of unity and harmony began to prevail and throughout the Union sectionalism was lulled to sleep.

#### **North Carolina at Washington**

Clingman,  
259

At that period, North Carolina was well represented at Washington: Badger ranking high among the intellectuals in the Senate; of Mangum, Clingman says: "Next to Mr. Clay, he probably possessed at one period more personal influence than any other individual then in Congress."

Then the stately Graham was the Secretary of the Navy, and he was much esteemed for his fine competency and admirable efficiency, as well as for his elegance of manner and address. His administration of the Navy Department was signalized by at least two important events. One the opening of the Naval Academy at Annapolis; the other, the initiation of the movement to open up Japan to the other countries of the world. To Graham has been attributed the conception of this interesting event in the history of the world. But it was not reserved for him to carry it into execution. In June, 1852, he was nominated by the Whigs as their candidate for Vice-President along with General Scott and he resigned as Secretary, June 22, 1852, while some months elapsed before Commodore Perry sailed on that mission.

In the House, the delegation stood high; and it happened that, also, in Congress were eminent men representing other states, who were natives of North Carolina; particularly, William R. King of Sampson County presided in the Senate, Fillmore being in the White House.

### Within the State

At home, progress was evident. The University was flourishing under the care of Governor Swain, and the colleges and academies had been doing fine work in educating both the males and females of families able to enjoy the privileges of higher education.

The public schools had now been opened a decade, and the number of pupils had risen to 104,085 besides 8,335 in the academies and colleges. Indeed, in 1850, only four eastern states and three western states had more pupils in school than North Carolina, and each of these had a larger white population than this State. North Carolina was relatively behind none. Virginia had only 77,764 pupils in school, while North Carolina had 112,430.

U. S. Report  
of Educa-  
tion, 1893,  
p. 46, census  
tables

The tide of emigration to the southwest had been arrested, and the white population had increased over twelve per cent, although there were no accessions from abroad, while the north had received 1,713,231 immigrants, one million coming from the British islands. The denominations now well organized, were making progress in their several lines of work, and church buildings were being erected along with the schoolhouses, even in the most inaccessible counties; the number being relatively very large.

The spirit of the people was, indeed, one of order, submission to the restraints of the law, although devoted to liberty founded on law. And the spirit of progress was abroad in the land, for certainly never were leaders more in error than those of the old order who feared to enter on the march of improvement lest their followers should fall away from them. As has often been the case, the people were ahead of their public men in public spirit. Yet the natural obstacles to a unity of the State continued, although the "great hope" of Governor Morehead and of others was in course of realization.



## CHAPTER XXXI

### FREE SUFFRAGE

State issues.—Kerr for Governor.—Clingman leaves the Whigs.—Democratic Convention.—Dobbin's speech.—Pierce nominated.—The Whigs nominate Scott and Graham.—Mixed result in the State.—Reid first Democratic Governor.—Pierce elected.—Wiley Superintendent of Public Schools.—His fine work.—Transportation.—The Western Plank Road.—The whale at Fishing Creek.—Democrats disappointed.—Dobbin not elected Senator.—Chief Justice Ruffin succeeded by Nash.—Inequalities of representation.—Progressive action.—North Carolina Railroad.—Its two extensions.—Badger not confirmed.—Dobbin Secretary of the Navy.—The political field.—The leaning to the Democratic party.—Bragg beats Dockery.—Conditions.—The railroads.—Free suffrage passes.—Reid and Biggs Senators.

#### **Kerr contests with Reid**

Not only was 1852 a presidential year but several State issues were then acute so that great interest was manifested in party politics. In April the Whig State Convention was held; the party not well united. It nominated for Governor, John Kerr of Caswell; a man with many lovable characteristics, but very human, extravagant in his language and thoughts, and full of ardor and impetuosity. It preferred a convention to amend the Constitution rather than a legislative amendment; and endorsed Fillmore and Graham for the presidential offices. A month later the Democratic Convention renominated Reid; and endorsed his administration and "free suffrage"; pronounced against the distribution of the public lands among the states; declared for Robert Strange for Vice-President, and sent Dobbin, Saunders, W. N. Edwards and Greene Caldwell as delegates to the National Convention.

Clingman  
leaves the  
caucus

At a caucus of Whig Congressmen at Washington, presided over by Mangum, such were the differences with regard to the "compromise measures" that Clingman and Outlaw along with others, left the caucus. General Scott





The extra  
session

The State  
for Graham

Whigs were more successful in the Assembly, having a majority in the House. By an act of Congress, the Secretary of the Interior was directed to calculate the number of Representatives each state would be entitled to under the census of 1850, and he announced that North Carolina should have but 8 instead of 9 Representatives. This reduction likewise reduced the State's electoral vote; and it became necessary to change the electoral districts before November. So Governor Reid convened the Legislature in special session on the first Monday of October. When it met, the Democrats had six majority in the Senate and chose Edwards Speaker of that body; and the Whigs with about the same majority in the House elected John Baxter of Henderson County Speaker over Dobbin. The Legislature at once provided for the election of only ten electors by the districts. When November came popular interest had so far abated that the Democratic vote fell off 15,000 and the Whig vote 13,000, and Scott and Graham carried the State by 1,700. This was in strong contrast with the result elsewhere, for Pierce had a large popular majority in the Union; and in the electoral college he received 254 votes to only 42 for Scott. The defeat of the Whigs was overwhelming.

### Wiley Superintendent of Schools

1852-3

Governor Reid, the first Democratic Governor, in his message stuck to his text, "free suffrage," but his recommendation fell on unwilling ears. He was more successful in renewing the usual recommendation of providing a head to the school system, and Calvin H. Wiley was chosen Superintendent of Public Schools. Wiley was a young man of Guilford County, of good education, active mind and of a literary turn. He had essayed the publication of a literary magazine along with W. D. Cooke at Raleigh, had located as a lawyer at Oxford, had written two historical novels—*Alamance* and *Roanoke*—and eventually returned to Guilford and was elected a member of the Assembly in 1850, when he urged improvement of public education; and again in 1852. The selection was most fortunate. No other person could have excelled Wiley in useful work and in de-

votion to the great task he undertook to make the public school system beneficial to the children and people of the State. School books were few. Morse's Geography, commonly in use, had been a travesty on the State; Wiley arranged for himself to write the account of North Carolina in Mitchell's Geography, and he caused to be prepared readers for the North Carolina schools, and established a system to supply, as well as practicable, the demand for teachers in the schools. The author attended the public school at Rocky Point, now in Pender County, in 1846-49. The teachers were exceptionally efficient; one Giles Leitch, later the esteemed lawyer of Robeson County, and another a gentleman about to enter the Presbyterian ministry. These schools were kept open for months; but the public money may have been supplemented by private subscriptions.

School books

Biog. Hist.,  
III, 437

In 1852, the author heard a public man of fine intelligence say with pride that the North Carolina school system was one of the best in the Union; and, later, Mr. Wiley by invitation visited Georgia and perhaps other states explaining the system which was thought to be superior to others.

### Transportation matters

As to the important matter of transportation, Governor Reid submitted somewhat to the demands of the new democracy, and proposed a "judicious system of public improvements. . . . A wise and prudent system all should approve; a wild and extravagant scheme all should deprecate." But he was silent as to the North Carolina Railroad and the proposed extensions east and west.

The Raleigh and Gaston Railroad having been disposed of to a new corporation was now in a more hopeful condition; the Wilmington and Manchester was under construction; but more interest attached to the progress of the Fayetteville and Western Plank Road, which as it was being constructed out of Fayetteville began to receive tolls and pay dividends. The company set up five sawmills, which were moved along the route as the work progressed; and oak as well as pine planks were used. It went to Salem,



and it was proposed to continue it into Virginia, while many branches were projected.

Professor E. Emmons having been appointed State Geologist submitted his exhaustive and valuable report, covering the explorations of the coal fields, and nearly every subject of interest. McLenchan, one of his assistants, examined the remains of the immense whale that lay along Fishing Creek, the head lying in Edgecombe and the tail in Halifax.

Leg. Doc.,  
I, 173

### **The Democrats disappointed.**

On joint ballot the Legislature was about evenly divided; and there were those in each party who did not support party measures. Thus it came about that the bill to amend the Constitution by legislative enactment passed the House by a two-thirds vote but was lost in the Senate because the Democratic Speaker refused to vote on it. The Democrats were much disappointed. And when the election for United States Senator to succeed Judge Mangum came on, a still greater disappointment awaited them. Dobbin had been nominated by the caucus, while the Whigs nominated Rayner. But the members of neither party abided by their caucus decisions. The Whigs did not vote solidly for Rayner, while Saunders and some other Democrats did not even attend the party caucus. The Whigs would cast votes for Saunders and other Democrats in hope of disorganizing Democratic unity and either electing some one not the party's choice or preventing any election. Colonel Wheeler, a member, wrote: "Mr. Dobbin received within one or two of enough votes to elect him. All of us who were members can remember the intense excitement of the time. The opposition was able, active and not over-scrupulous. They could not elect, but by the aid of one or two marplots they could prevent the election of the Democratic candidate. After some ballots Dobbin withdrew his name; but the caucus Democrats said if he could not be elected no one else should be. The contest lasted forty days and there were about 100 ballots taken. There was no election." Mangum's term expired March 4, 1853. There could now be no

Saunders  
prevents  
Dobbin's  
election

Wheeler  
Rem., 151

election till next Assembly. So there was only one Senator for nearly two years.

Chief Justice Ruffin resigned November 10, 1852, proposing to retire from professional duties and employ himself in the agreeable pursuits of agriculture. Judge Nash was chosen his successor as Chief Justice, and to fill the vacancy on the bench, Judge Battle was now promoted to the Supreme Court. To replace Battle, the Whigs and the friends of Saunders combined and elected him to the Superior Court. This seemed to be a reward for Saunders's action in defeating Dobbin, and was another cause of dissatisfaction among the caucus Democrats.

Nash, Chief Justice

The Legislature now laid off the State into eight Congressional districts, and into fifty Senatorial districts; and made a new apportionment of the 120 members of the House.

According to the census of 1850, it was found that 36 eastern counties had a white population of 215,000; 44 western counties had 336,000. There were in the eastern counties 21,454 farms; in the west 35,472. The eastern counties had six majority in the Senate and the west four in the House. Those relative inequalities were to be corrected by a new arrangement, and the west carried its point.

Inequalities corrected

There was an attempt to foster the formation of societies for the promotion of agriculture, manufactures and mining by facilitating their incorporation and donating \$50 annually to each of them.

Progressive steps

Thirty-six plank roads were incorporated, as well as half a dozen mining companies, some manufacturing companies, and several insurance companies; also academies, and the Wesleyan Female College at Murfreesboro.

### The North Carolina railroad system begun

On July 11, 1851, ground had been broken at Greensboro with great ceremony for the construction of the North Carolina Railroad, and Calvin Graves had been accorded the honor of moving the first shovel full of dirt. The line had been laid off in four divisions, two east of Greensboro, and then two to Charlotte, and advertisements had been made



Acts, 1852,  
p. 484

for bids for construction, the work to begin January, 1852; payment to be one-half in stock, the other in cash; and the work was now in progress. The Legislature responded to the Governor's idea of a "judicious system" of internal improvements by incorporating in one act two companies; one with a capital of \$900,000, to construct a road from Beaufort to Goldsboro and the other with a capital of \$3,000,000 from Salisbury to the Tennessee line, and appropriations were made for a survey of each of these lines; and soon Governor Morehead had these surveys started. Caldwell's idea of a North Carolina system was about to be realized.

Badger not  
confirmed  
for Supreme  
Court

Toward the close of Fillmore's administration, he nominated Senator Badger to fill a vacancy on the Supreme Court bench, the practice of the Senate being to confirm the nomination of any Senator for any office. But in this case Mr. Badger's attitude on the questions growing out of slavery was such that the Democratic Senate did not consider the nomination, and the session closed without his confirmation.

Dobbin,  
Secretary  
of the Navy

After the election of General Pierce, and the failure to elect Dobbin Senator, Ashe, one of the Representatives in Congress, visited the President-elect, who said he proposed to appoint Dobbin Secretary of the Navy. To Dobbin's personal friends this was a salve, healing in some measure their indignation at the previous occurrence. On Pierce's inauguration Dobbin was so appointed, and again a North Carolinian became the head of the Navy Department.

### **The Democrats in power**

The campaign for Representatives now came on and the Whigs sought to make more prominent than ever the issue of the distribution of the public lands, and they fostered the candidacy of Democrats running on that issue against the regular Democrats. On that issue Sion Rogers was successful in the Wake district; and in the Cape Fear district, Duncan K. McRae entered the campaign against Ashe, but Mr. Dobbin brought about his appointment as Consul at Paris, which he accepted. Then Walter F. Leak entered the field on the same issue, but failed. In the Buncombe dis-

trict, Clingman who was now much in line with the Democrats was successful; and Dr. H. M. Shaw, of Currituck; Thomas Ruffin of Wayne, and Burton Craige of Rowan, all Democrats, were elected. Leaving out Clingman, the Whigs had five Representatives in the former Congress, now they had only two, John Kerr and Puryear of Surry. The Democrats, being in control of both houses of Congress and with a President chosen in such a landslide, entered on a course of administration that gave it great prestige. At the North there had been many defections from the Whig party and a new organization started called "The Know Nothings," and the "American Party," inimical to foreign citizens, but for a time the Whigs at the South stood firm. Democratic leaders, however, attained greater prominence than ever, and the Democratic party overshadowed all others as the leading National party. Its patriotism was broad; its measures based on the Constitution; its chieftains were dear to the people; prosperity reigned, and love for the Union became more and more the natural emotion of the popular heart. In all this achievement of progress in power, wealth and development, Southern men, especially Democrats, had their great part.

1853

The  
Democrats

But unhappily the agitation against slavery was not quieted, and the violent utterances of some of the anti-slavery advocates and the attitude of some of the Whig leaders at the North had the effect of disturbing Whig solidarity in the State; while, besides, Editor Holden pursued with great adroitness the policy of attracting rising young men into the folds of the Democratic party. The Whigs nominated for Governor Alfred Dockery of Richmond County; and the Democrats brought out Thomas Bragg of Warren. Dockery was of strong personality, but Bragg, besides, had culture, learning, and great intellect, and an integrity of character that later distinguished him among the public men of the State. The Whigs stood by their record favoring a convention to deal with free suffrage; and they advocated the distribution of the public lands, and antagonized the Democratic administration.

Bragg and  
Dockery

At the election in August there was a full vote, 93,349, and the Whigs polled their greatest strength but fell short



Nov., 1854

of winning by 2,000 votes, while the Democrats carried both houses by good majorities. Warren Winslow of Cumberland, a man of superior merit, became Speaker of the Senate, and Sam P. Hill of Caswell, likewise of fine abilities, Speaker of the House. Governor Reid in his final message dwelt on the fortunate progress of the State in all lines, in education, agriculture, transportation, manufacturing. "The lunatic asylum was advancing towards completion, and will soon be open for the reception of patients."

### **Railroad construction**

The railroads were in good condition; "the Wilmington and Manchester was being pushed with energy and was affording important advantages to a portion of the State," while a considerable portion of the North Carolina Railroad had been laid down. On July, 1853, 1,500 hands were employed on the work; 732 horses, besides tracklayers, etc. Indeed on September 6, the first passenger car ran from Charlotte to Concord; and on January 1, 1855, the road was open for business from Goldsboro as far west as Durham. The Legislature now subscribed another million to the capital stock of that company. The capital stock of the Atlantic and North Carolina Railroad was fixed at \$1,600,000 and the Treasurer was directed when the private stockholders have paid in \$300,000 to subscribe for two-thirds of the capital stock; and the Western North Carolina Railroad was incorporated to run from Salisbury through Statesville to the west, and under the stipulations the State was to subscribe two-thirds of the cost of construction. Then the Wilmington and Charlotte Railroad Company was incorporated, the road to be constructed in sections of 25 miles; and as a section was finished, the Treasurer was to endorse bonds of the company to the amount of \$200,000.

These were lines in accord with the policy that had long been in view: in addition, charters were granted for a road from Beaufort to Fayetteville; for a road from the coal fields to Raleigh, known as the Chatham Road; for the Atlantic, Tennessee and Ohio which was to build a line from the waters of the Atlantic to the Ohio River, between Char-

lotte and the northwest; for the Greenville and French Broad; and the Charleston, Blue Ridge and Chattanooga, for which no subscriptions were made by the State.

The report on Neuse River showed a sluggish stream, with a rise of only 100 feet to Smithfield from New Bern; and at forty-two miles from New Bern a depth varying from one to three feet. It was now proposed by locks and dams to make the river navigable.

Thirty more plank roads were incorporated, and twenty-six mining companies; and several savings institutions and insurance companies. Sixteen academies were added to the list. The counties of Harnett, Polk, and Wilson were established.

### Free suffrage

The bill to amend the Constitution, establishing "free suffrage," was now passed by more than two-thirds of each house, a number of Whigs voting for it. By its provisions the Governor was to publish the act for the information of the people, and then the act was to have no force unless again voted for by two-thirds of the next Assembly. On the fourth day of the session, the election of a Senator took place for the term formerly occupied by Mangum. Governor Reid was elected over the Whig candidate, Daniel M. Barringer, by 27 votes; and the next day Asa Biggs was elected to succeed Senator Badger, whose term would soon expire. On December 5, Governor Reid advised the Legislature that "on tomorrow I shall accept the appointment of Senator," and that would operate as a disability to act as Governor. "The great seal of the State and the records and papers will then be delivered to the Speaker of the Senate." At once, Senator William A. Graham offered a resolution that "Speaker Winslow was the Governor until January 1, and the office of Speaker is thereby vacated." But the Senate by 22 to 23 voted against the proposition that the office of Speaker was vacated. Thomas S. Ashe and other Whigs declined to follow Governor Graham in that opinion. Speaker Winslow became acting Governor, but continued to be the Speaker of the Senate. On the

1854

Reid and  
Biggs  
SenatorsActing  
Governor  
Winslow



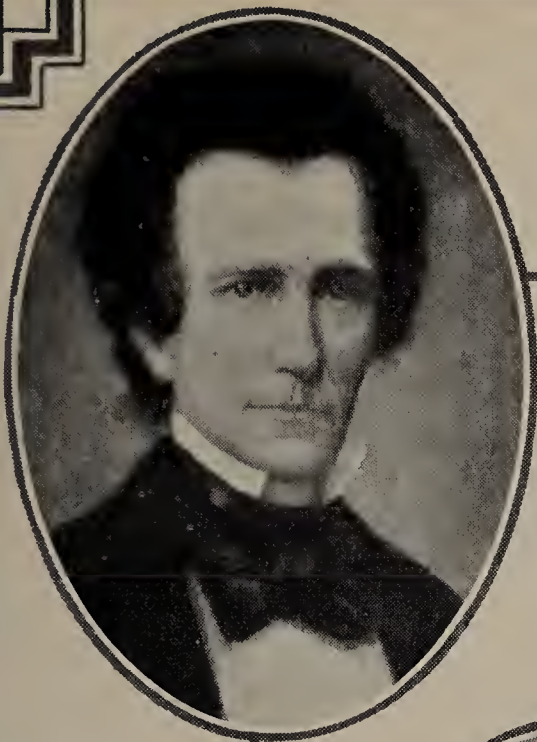
first day of January, Thomas Bragg was inaugurated Governor, and Winslow was still Speaker.

"Thanks-  
giving Day"

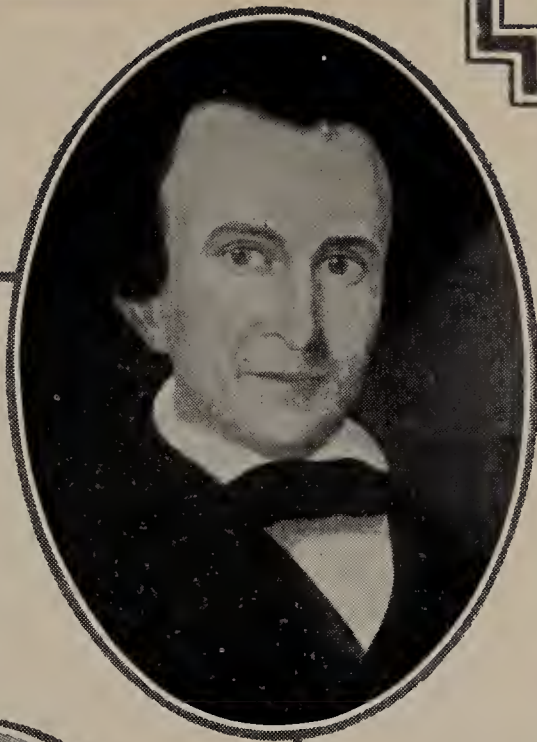
On November 29, Sam J. Person was elected judge of the fifth circuit; and the next day being "Thanksgiving as recommended by the Governor," the Assembly did not meet. There were but slight traces of partisan politics in the proceedings.

House  
Journal

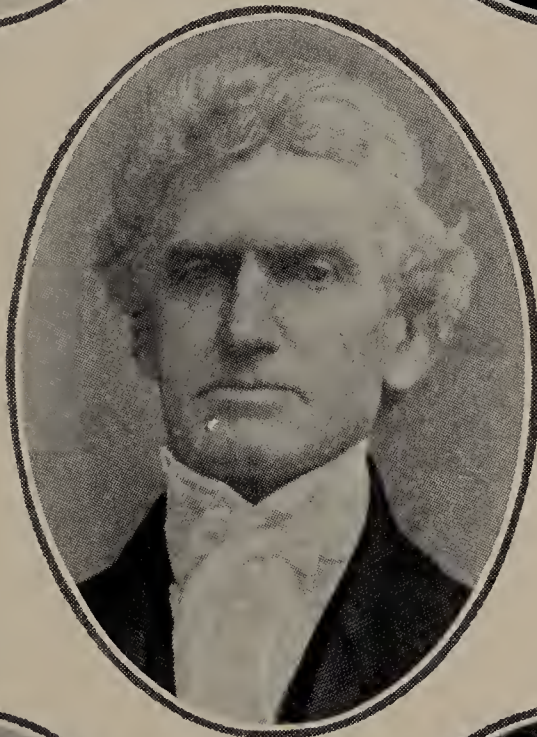
Thomas Settle, a Democrat from Rockingham, offered in the House some resolutions commending the Kansas-Nebraska Act of Congress, "and the State is determined to resist any further encroachment on her Constitutional rights. That if the Federal government impair the efficiency of the Fugitive Slave law, it will amount to a virtual dissolution of the Union." Efforts of the Whigs to make some amendments were defeated; and then on motion of Singletary of Pitt, the resolutions were laid on the table as also was a resolution against the "Know Nothings," a secret oath-bound society; and the House likewise tabled a resolution looking to requiring a longer residence before immigrants could be naturalized.



1



2



3



4



5

1. James C. Dobbin

4. Willie P. Mangum

3. Thomas Ruffin

2. David S. Reid

5. Thomas Meredith





## CHAPTER XXXII

### THE SLAVERY QUESTION ACUTE

The slavery question.—Kansas and Nebraska.—The Missouri Compromise ignored.—The conflicting settlers.—Emigrants.—The Democrats beaten in Congress.—Banks Speaker.—Bragg beats Gilmer.—Bleeding Kansas.—Some Governors confer.—Southern views.—Buchanan elected.—Conditions.—Free suffrage adopted.—Progress.—The railroads.—Commerce.—Dobbin's fine service.—His death.—Reports on coal fields of Deep River.—The road from New Bern opened.—McRae taken by Whigs for Governor.—Ellis by the Democrats.—Holden disappointed.—Death of Potter.—Biggs succeeded by Clingman.—Vance in Congress.—Improvement of Cape Fear.—Effort to open Raleigh Inlet fails.

The local atmosphere at the North was very different from that at the South in respect to African slavery. That institution had long ceased at the North where millions of foreigners had settled and northern people knew practically nothing of it. At the South, the people having been born and bred amid the existing social conditions, slavery was as natural to them as any other institution—as the method of administering their matters of public concern; as the traditional control of the family by the head of the house; as the parents' control of children. And although a large majority of the people were not slaveholders, not one person in twenty owning a slave, there were few, except the Quakers, who objected to it, servitude being regarded as the natural condition of the African in this country.

The association of the negroes with the whites for generations had materially advanced them from their normal African life, and born in servitude as were all their race with whom they came in contact, they were satisfied and contented. Especially where the white family owned but few, as was the usual case in North Carolina, the intercourse of the races was close; kindness and natural affection being the rule; and the negro was similar to the servant in other countries, lacking freedom and lacking wages, but exempt



from care and anxieties while his owner had a personal interest in his health, comfort and well-being. The earlier settlements had been along the seacoast where there were large swamps, and the negro had performed a great work in clearing up the land and cultivating it. To them the coastal region especially was indebted for its improvements. Later, it was their labor that had built all the roads and most of the other improvements of the State. There was no white labor for hire. Such were the conditions when the propaganda for emancipation took violent shape.

At the North there had been opposition to the extension of slavery as increasing what was commonly called "The Slave Power," the political influence of the South; and there was besides a spirit of humanitarianism, and some regarded the subject as involving "the rights of man." In 1852 there appeared a remarkable book, *Uncle Tom's Cabin*, that in time greatly aroused sentiment at the North. The wrongs of the slave passionately depicted in vivid colors awoke indignation and horror, and by many it came to be thought a crime against civilization to hold human beings in servitude; and as that feeling grew, the active politicians of the North appealed to it with profit.

While all America in 1854 was discussing Mrs. Stowe's novel, the North in praise, the South in denunciation, it became necessary to open to settlers the vast wilderness west of Missouri, a part of the territory set aside for the Indians, but where states would eventually be erected.

A bill was introduced in Congress to that effect. Considerations of a sectional import supervened, the relative political strength of the North and of the South in the Federal government being involved.

### **Kansas and Nebraska**

After a long, bitter controversy in Congress, in May, 1854, the Douglas bill was passed, making provision for the organization of two territorial governments, one for Kansas and the other for Nebraska, leaving the question of slavery in them to be decided by the people when adopting State constitutions, as was the case with the territories of Utah

and New Mexico; and, in addition, the bills contained a declaration that "section 8 of the act of Congress of 1820, being inconsistent with the principle of nonintervention by Congress with slavery in the states and territories, as recognized by the Legislature of 1850 (commonly called the Compromise Measures) is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject to the Constitution of the United States." This measure was fiercely debated for five months, and it occasioned not only heated controversy in Congress but throughout the Union. The Free Soilers were greatly excited over it. The people of Kansas would determine for themselves whether they would have slavery or not: and as yet there was not a single white resident in that wilderness; only some Indians. Naturally the people of western Missouri, adjacent to Kansas, were more interested than others. The bill permitting settlers being approved by the President May 30, on the next day many Missourians at once crossed the line to take possession of the rich lands then opened to settlers. They were favorable to slavery. But the Free Soilers had determined to make Kansas a free state; and throughout the North parties set out to move there for that purpose. To aid them emigrant societies were now formed in the northern states, that of New England sending out the first contingent from New England in July. There were no railroads, no highways, no means of transportation, no depots of supplies in that remote wilderness. So emigrant parties joined, and such a number of Free Soilers came at one time that "it was like an invading army," accompanied necessarily with wagon trains. The South generally was not so interested as the Free Soilers were: and only a few settlers relatively came from the slave states, except Missouri. The several factions being antagonistic occupied different localities.

Repeal of  
Missouri  
Compromise

The conflict

Under the act the President was to appoint a Governor, who with his Council was to have a census taken and hold



an election for a Territorial Legislature. The census was taken in February, 1855, showing 8,600 voters, and only 196 slaves. The election held in March was carried by the Pro-slavery men, and the Legislature made Pro-slavery laws. But in October, the Free Soilers held a convention and declared null and void the action of the Legislature. Thereupon a civil war began; and sentiment at the North was favorable to the Free Soilers.

### **In Congress**

Dec., 1855

When the congressional elections for Representatives came off throughout the Union, the Democrats were badly beaten. In the existing Congress they had more than two to one, now they polled only 74 members; the Know Nothings had 83. The Anti-slavery party had 68. When the members assembled in December, 1855, the House could not elect a Speaker and the balloting continued day by day. On December 31, the President sent in his message which, the House not being organized, lay for a time unopened and unread. After two months of fruitless balloting, on February 2, 1856, N. P. Banks was chosen under a plurality rule adopted by the House. He received 103 votes: Aiken, voted for by the Democrats and the opponents of the Free Soilers, polled 100, and ten of the Know Nothing members would not go to either.

Banks,  
Speaker

This was not only a great reverse to the Democratic party, but was an indication that its national sentiments were not shared by a great many of the northern voters.

### **In the State**

The political movements at the North from their inception had their resulting effect in North Carolina, where some of the Whigs joined the Know Nothing party; while others strongly favored the Kansas-Nebraska Act. The Congressional election however was not favorable to the Democrats, for Robert T. Payne beat Dr. Shaw; and in the Caswell district, John Kerr, the sitting Whig having hotly espoused the Democratic position, was beaten by E. G. Reade. In the Wake district, Lawrence O'B. Branch, destined to take a

great part in public matters, was elected over James B. Shepard. In the Cape Fear district, William S. Ashe having become president of the Wilmington and Weldon Railroad, Warren Winslow the Speaker, now called Governor Winslow, was his successor. In the mountains, Clingman acting with the Democrats was returned.

When the election for Governor was approaching in 1856, the Democrats renominated Bragg, and the Whigs, against his inclinations, nominated John A. Gilmer, a strong man, devoted to the best interests of the State and people, and of sterling worth. The campaign turned on issues favorable to the Democrats, free suffrage which the Whig convention opposed, the secret political Know Nothing party and the anti-slavery agitation in progress at the North. It was the first occasion when over 100,000 voters came to the polls, and Bragg received 57,598, having a majority of 12,530.

The election

Bragg,  
Governor

### Bleeding Kansas

In Kansas the hostile conflicts continued, and reinforcements came from the South and the North alike to strengthen the contending factions. A storm of fury set in throughout the North, and while the press and hustings uttered invective against the slaveholders, the pulpit itself advocated bloodshed. Henry Ward Beecher, distinguished alike for his social connections, intellectuality and eloquence, preached with applause the doctrine of loaded rifles, and his burning words found ready response in sympathetic hearts and were fiercely echoed from hundreds of Christian churches. Kansas became a scene of violence, murder and assassinations, and as the cry of "Bleeding Kansas" rang through the North the Free Soilers resolutely withdrew from the old parties, and the Republican party was strengthened. The Whig leaders in a vain effort to arrest defection reorganized their party under the name of the Know Nothing, or American party, but lost half a million of their followers to the Republicans. The Republican nominee for the presidency was John C. Fremont, a native of Charleston, whose personal heroism and picturesque career in the far west invested his candidacy with much popular interest. As

1856

Cong. Globe

1856

Republican  
partyAmerican  
party



Peele: Dist.  
N. C., 314

the campaign progressed and Free Soilism, under his leadership, developed strength with unexampled rapidity, his election seemed probable; and, in view of the possibility, in October it was proposed that the Governors of the Southern States should meet at Raleigh and consider future action. But Governor Wise of Virginia, Governor Adams of South Carolina, and Governor Bragg, alone, attended. At an informal conference, attended by Representatives L. O'B. Branch, W. W. Holden, Moses A. Bledsoe, and others, Governor Wise maintained that the election of Fremont should be regarded as "an overt act," and that the South should resist by "fighting in the Union." Governor Bragg's suggestions were more conservative, and "his sound reason, prudence, and wise counsel produced a deep impression." No action was agreed upon. However, the *Register*, edited by Seaton Gales, charged that this meeting was a step to break up the Union, and denounced it.

Union  
feeling

The  
Southern  
view

Feeling at  
the South

At that period the advantages of the Union were generally appreciated. Whatever disadvantage it had been to the agricultural section in earlier years under the policy of a protective tariff had vanished during the low tariff period, and the tariff that had once been a cause of serious controversy had so far ceased to be an issue that it was not even mentioned in any political platform in 1856. Outside of the question of slavery there was naught to disturb the onward course of national prosperity. But among Southerners, the abolition of slavery was not an academic question on which a difference of opinion could be tolerated. It would involve not only the loss of a billion dollars of property that had grown up under the institutions of the country, protected alike by the Federal and State constitutions, but as well the disorganization of labor at the South and the introduction of fearful elements into the social structure. It contemplated not only the dispossession of private property, but evils and calamities of unknown and incalculable extent: and the agitation to accomplish it incited to insurrection and servile war. As Jefferson had been deterred from advocating it when the Africans were few in numbers, because of the evils that would inevitably attend it, so now Southerners regarded those who proposed it not only as

seeking to deprive them of their property but as willing to inflict on the people of the South irreparable injuries. For them there could be no more tolerance than for robbers and enemies of mankind.

Thus when, in 1856, Professor Hedrick of the University of North Carolina announced his purpose to vote for the Abolition candidate for the presidency a storm of indignation followed, and the trustees, after giving him an opportunity to withdraw, dismissed him. Indeed, it came about, as the agitation progressed with calumny and ferocity at the North, that the detestation of the Abolitionists, in some measure, extended to the Northern people generally, and "Yankee" became a term of veritable reproach.

### **The Democrats elect the President**

In the presidential election, the fears of the Democrats were not realized, and although Fremont polled 1,341,264 votes all at the North, Fillmore, the Whig and "American" candidate, received only 874,534, and Buchanan 1,868,169, having a majority of 72 over all in the electoral college; and the Democrats regained control of the House of Representatives.

House Journal, (1856)  
p. 12

### **State matters**

When the Assembly met, Jesse G. Shepherd of Fayetteville was elected Speaker of the House by 43 majority.

The Senate was of the same complexion; W. W. Avery was elected Speaker by 19 majority. In his message Governor Bragg drew an agreeable picture of conditions in the State, one of general improvement and prosperity. Especially, he dwelt on the public works, the schools, and agriculture as well as the moral condition of the people. Wiley reported the number of children at the common schools as about 130,000; at colleges and academies about 10,000; there were, however, 215,453 white children between 5 and 21 years of age; about \$271,000 was provided for the public schools. There were 85 inmates of the asylum for the insane; and "several have been restored to reason and discharged."

1856

The schools



The Neuse, the Tar and other rivers had been cleared for navigation; and locks and dams had been built on Deep River.

Senate Journal, p. 1664

In the Senate a bill was introduced to charter a road from Greensboro to Danville, but it was in direct conflict with the State policy that had led to a North Carolina system; and it failed by a vote of two to one.

### Free suffrage

House Journal, 451

The Free Suffrage bill passed the Senate by 39 to 8 and the House by 98 to 5. At last the proposition of Governor Reid was about to become a part of the Constitution, subject to the will of the people. It was to be voted on in August, 1857. There was a proposition to establish "The Peoples' Bank of North Carolina," with a capital of four millions, and authority to issue notes to the amount of eight million. It failed; but the introduction of such a measure indicates the substantial progress that had been made in recent years. The Bank of the State was rechartered with a capital of \$3,000,000.

Acts, 1856, p. 88

Ibid., 81

The Cheraw and Coalfield Railroad, the Salem and Germantown and other railroads were chartered; and among the other incorporations were the Yadkin Manufacturing Company; the American Exchange Mining and Smelting Company and the female college of the Methodist Protestant Conference, among the incorporators being Calvin H. Wiley; and the Columbus Normal School in Polk County.

Leg. Doc., 1856, No. 15

All dividends received from corporations in which the State was a stockholder were appropriated for the sinking fund to pay the State's indebtedness; and the State tax on land was fixed at 15 cents on the \$100 worth.

### Railroad construction

Iron had been laid for some distance out of New Bern towards Goldsboro, and work was beginning on the Western North Carolina Railroad. The eastern division of the North Carolina Railroad reached Greensboro on December 13, 1855, and on January 29, 1856, the two divisions were united about half way between Greensboro and Jamestown.

The road was finished. The 223 miles of road cost about 1856 \$4,000,000, but the equipment cost in addition about \$350,000. The net receipts of the business for the year 1856, were \$122,000, both the freight and passenger being much in excess of expectations. The construction of the Western North Carolina, then well in progress, was expected to increase the business; but the building of the road had greatly lessened the receipts of the Fayetteville and Western Plank Road. While these improvements were in progress for land transportation, efforts were being made to establish commerce on the high seas. Steamships were provided at Wilmington to carry our produce to New York, and William S. Ashe, president of the Wilmington and Weldon Railroad, now had the satisfaction of being instrumental in giving effect to the purpose for which the North Carolina system was designed. Great train loads of freight from the interior of the State passed over the lines to a North Carolina seaport and our produce went out into the commerce of the world without paying toll to either of the bordering states. And in the northeastern counties, Samuel Whedbee, James C. Johnston and many others were building a steamer to ply between the great sounds and New York and, under the name of the North Carolina and New York Steamship Company, were incorporated to run steamers not only to northern ports but to the West India Islands and Mexico as well.

The Atlantic and North Carolina Railroad Company being ready to construct the line from New Bern to Morehead City, Governor Morehead, perhaps expecting a Democratic successor, in July, 1856, resigned as president of the North Carolina Railroad and took a contract to construct 26 miles of the road into Morehead City where he had already acquired large landed interests, illustrating his faith in the ultimate success of his hope to create a great shipping port at Beaufort Harbor. On his retirement, Charles F. Fisher of Salisbury, a political supporter of Governor Bragg and of the Democratic party, succeeded him.

On March 6, 1857, Mr. Dobbin retired as Secretary of the Navy. During his administration of this Department there



Japan  
opened

were more beneficial changes made in respect to the naval service than in any other four years of its history. The Perry expedition to Japan that had its inception when Graham was Secretary, entered the Bay of Yeddo on July 3, 1853, four months after Dobbin became Secretary; but it was not until May 8, 1854, that Perry succeeded in obtaining the reply of the Shogun to President Fillmore's letter. The result was entirely satisfactory. Japan, the sealed country, was now opened to the United States; and quickly similar concessions were made to other Christian countries. This of itself gave lustre to that period.

The retired  
list

The first  
naval  
frigates

National  
power

For the betterment of the naval service, Mr. Dobbin inaugurated such changes as admitting apprentices in the navy; the retirement of old and incapacitated officers, a system for promotion on merit, and the establishment of efficiency in the service. More improvements were made in the equipment of vessels than ever before, and his administration was signalized by the construction of the six finest naval frigates in the world, the *Niagara* being one of them. And even in his last report he urged a larger and more efficient navy, saying: "I regard the steady increase of our naval strength not as a war, but a peace measure; a measure of defense involving grave questions of commercial security and national independence"; and he insisted that one engaged in commerce "should gather confidence and courage and energy from the reflection that he belongs to a government recognized by all as able to avenge his wrongs and vindicate his rights." Such was the attitude of this devoted Southerner, an attitude shared by his associate, Jefferson Davis, then the Secretary of War, and all the other Southern patriots of that day.

Death of  
Dobbin

Mr. Dobbin was never robust, and he realized that his life would be short. In October, 1854, when his friend Col. John H. Wheeler, the historian, was departing on his mission as Minister to Guatamala, he said in a note: "and when you return and see my little folks tell them how warm was the friendship between yourself and their father, whose life was so hopeful and yet so short." Within three years he had passed away. Returning home in March, 1857, he died

the following August. "To the very last, Mr. Dobbin kept fresh and vigorous his rich and refined culture, classical and literary, as well as his critical acquaintance with Holy Scripture. When in the very twilight of eternity, he repeated a passage of Psalm 103: 'Bless the Lord, O my soul.'" No purer spirit ever adorned noble manhood.

### **Congressional election**

In the congressional election, Dr. Shaw was now opposed by W. N. H. Smith, a very strong opponent, a man of very superior merit and character. Shaw was elected. In the Buncombe district, Zebulon B. Vance, who had served with applause in the preceding Assembly, contended with Clingman, but failed, John A. Gilmer was elected from his district, and Alfred Moore Scales, a man of unusual high character, was elected in the Caswell district. The old Whigs were not inclined to consort with the Know Nothings, and in the other districts the Democratic incumbents had no opposition.

Major Laidley had reported favorably on the proposition to utilize the coal fields at the Gulf in connection with the arsenal at Fayetteville; and a board of commissioners under Commodore Wilkes, appointed by the Secretary of the Navy, had visited the Deep River section to ascertain its suitability as a location for government machine shops for the manufacture of machinery for the navy. The report was full and elaborate. "There are few places to be found in our country where there is such a concentration of material, and which can be mined with so little toil and expense," said the Commodore, and he set forth the advantages of the location most strongly. Professor Emmons, the State Geologist, also made a favorable report of his work.

The coal  
fields

Leg. Doc.  
No. 60

Leg. Doc.  
No. 56

### **The west reaches New Bern and Morehead**

The Western North Carolina Railroad was open to Statesville, and on the 20th of April, 1858, the Atlantic and North Carolina Railroad was opened from New Bern to Goldsboro. New Bern celebrated the event. "In addition," said President Whitford, "to our own crowded trains we were



Leg. Doc.  
No. 20

honored with trains from the Wilmington and Weldon, the North Carolina, Raleigh and Gaston, and Western North Carolina Railroad, all heavily laden, the people having turned out en masse to join in the jubilee." Then the Morehead division being finished on the 7th day of June, the first train ran from Goldsboro to the ocean. Now the interior of the State was in touch with the ocean at Morehead, with deep water at Wilmington, and through the great sounds. The incubus of the olden time had been lifted. The dream of Caldwell was realized.

### The election

1858

When the State election was coming on the Whigs were in such a case that they did not nominate for Governor one of their own party; but as their policy of seeking a distribution of the public lands to the states was popular and supported by many Democrats, they again gave countenance to such independent Democrats as offered themselves for office. Among those was Duncan K. McRae, a brilliant orator and associated with many of the leading families of the State, who declared himself an Independent candidate for Governor, and was supported by the Whigs.

Holden, the editor of the *Standard*, was a candidate for the Democratic nomination to succeed Governor Bragg, and he secured the support of many delegates to the convention. However, in building himself up in the party he had pursued a course that tended to his disadvantage. He relied on the instincts of the plain people rather than on the sympathy of the more thoughtful leaders, and his alleged agrarianism arrayed a strong opposition against him.

Holden  
aspires to be  
Governor

Judge John W. Ellis, a western man of fine attainments and of singular purity of character, who for ten years had ridden the circuits of the State with acceptability, was nominated. One delegate from beyond the mountains had brought down in his pocket many proxies, and it was his vote that nominated Ellis. Holden, while acquiescing in the result, declared that it had been accomplished "by means that would be considered unfair by a New York politician"; and he did not give Ellis a cordial support. But while

Ellis and  
McRae

Bragg's great vote fell off a thousand, McRae fell behind 1858  
Gilmer about five thousand, Ellis beating him by nearly  
16,500. The State was overwhelmingly Democratic and the  
Democrats had great majorities in both houses.

Judge Potter, who had served as United States District  
Judge since the beginning of the century, in the spring of  
1858, died at the advanced age of 96. Long had aspirants  
for this desirable post of high honor and little work waited  
for the event. At last nature created the vacancy, and  
Senator Biggs on May 8, 1858, resigned to accept the po-  
sition. To fill the vacancy in the Senate Governor Bragg  
appointed Thomas L. Clingman, who had for years repre-  
sented the mountain district in Congress—a man of strong  
intellectual powers and a very astute politician, who had  
but recently joined the Democrats.

Clingman,  
Senator

The removal of Clingman to the Senate made an opening  
for another man, and W. W. Avery of Burke, a grandson  
of the distinguished Colonial and Revolutionary patriot,  
a man of fine accomplishments and sterling worth, and the  
leading Democrat of the west, announced himself as a can-  
didate, but David Coleman of Asheville, a former officer of  
the navy, likewise a Democrat of fine ability and highly  
esteemed, also desired the honor. However, Zebulon B.  
Vance of Buncombe, entered the arena as the Whig candi-  
date, and Coleman withdrew. Vance was but 28 years old,  
and had only the legislative experience of one term in the  
House of Commons; but he had a large family connection,  
and was already known locally as a vigorous campaigner.  
Full of humor and ready with wit to meet any assault, as  
good natured as he was eloquent, he was especially at home  
in addressing his mountain people on the political issues  
of the day. So successful was he in winning votes that he  
not only overcame the usual Democratic majority in the  
district of 2,000, but was elected over his able and popular  
opponent by a majority of 2,049. Thus a new star of  
peculiar brilliance arose in the political firmament. Vance  
took his seat December 7, 1858.

Vance enters  
the House



### Cape Fear River

When William S. Ashe represented the Cape Fear district in 1851, an effort was made to have the general government improve the entrance of the Cape Fear River. The work recommended by the Board of Army Engineers was to divert the flow through New Inlet to the Main Bar where at that time the depth of the channel at low water was seven and one-half feet, while at New Inlet it was eight feet. The plan was eventually to close New Inlet entirely. At that time Zeke's Island lay southwest of New Inlet and there were two washes between that island and Smith Island, together about 600 yards wide and about four feet deep. Lieutenant Woodbury by 1857, had filled these up with the effect of deepening the main channel two feet.

There were, however, strong commercial reasons for not closing New Inlet, and that work was postponed.

Roanoke  
Inlet

The engineers also had in charge the reopening of Roanoke Inlet. This had been reported on by Fulton in 1820; by Bache in 1829; by General Gwynn and then Lieutenant Woodbury in 1853. They all agreed on the necessity of building a dam across Croatan Sound, three miles long and from 8 to 13 feet deep, while east of Roanoke Island, what is called Roanoke Sound, half a mile wide and four feet deep and then a width of three miles from one to two feet deep, had also to be dammed, the estimated cost being \$2,450,000. The object for this proposed improvement was to facilitate commerce.

Lieutenant Woodbury proposed first to cut a channel through the flats and the banks. It was thought the cost of this would be \$5,000,000. But after Woodbury had cut into the channel with his dredge, the water filled in the sand so rapidly behind it that he came near losing the dredge, and the whole scheme was abandoned.

It was then, 1857, reported: The products of Eastern North Carolina mostly find a market, through the Dismal Swamp Canal, but the Albemarle and Chesapeake Canal Company are now engaged in excavating a canal of larger dimensions connecting Chesapeake Bay with Currituck, Albemarle and Pamlico sounds which they anticipate com-

pleting within the next year and when accomplished will obviate all necessity of a communication with the sea through Nags Head. But while that work was given over for commercial purposes, still the absence of the inlets seriously affected the great fisheries of the sounds. As to Roanoke Sound, it is to be observed that according to Cooke's map, 1823, there was a strip of land two miles west of the banks enclosing for some ten miles what was then called the Chickamacomico Bay, but this strip seems to have naturally subsided. In 1862, the expedition to cut off an Indiana regiment in that part of the banks failed because the boats could not reach the banks at all. It is also to be remarked that these inlets are moved by natural causes. In the spring of 1853, there was an inlet to Wrightsville Sound and one to Masonboro Sound, a considerable distance apart, but the Wrightsville Inlet was making to the south. Within six months, September, 1853, the author witnessed in a great storm these two inlets come together and merge into one.

Trumbull's  
report, App.  
D., pp. 66,  
68, War  
Dept., 1857



## CHAPTER XXXIII

### CONDITIONS IN THE STATE

The Danville connection beaten.—A homestead provided for.—Holden defeated.—Ad valorem proposed.—Chief Justice Nash dies.—Ruffin returns to the bench.—Pearson Chief Justice.—State finances.—W. N. H. Smith in Congress.—Conditions in 1860.—Lincoln and Douglas.—John Brown's raid.—Republican sentiment.—The Council of State makes declaration.—The *Standard* speaks.—Rev. Daniel Worth arrested.—Conditions in North Carolina.—Marvelous progress.—Education.—The public man.—Editors.—Military training.—Manufacturing.—Ad valorem.—Slave labor.—The *Standard* repudiated.—Ellis elected over Pool.

#### The Danville connection

1858

When the Assembly met in November, 1858, Henry T. Clark of Edgecombe, a substantial farmer and man of sterling worth, became Speaker of the Senate, and Thomas Settle of Rockingham, a brilliant young man, Speaker of the House.

A bill to charter the Danville connection having failed at the previous session of the Assembly, a greater effort was to be made at this. A strong memorial was prepared, and Governor Morehead himself came to the House to secure the passage of the measure. A decade had passed since the notable conflict over a North Carolina system and the Danville convention had agitated the State, and now Mr. Ashe came again to the Senate and Mr. Dortch to the House to prevent the threatened interference with what was then accomplished. When the bill was introduced in the House, it was referred to the committee of the whole and for two days there was high debate—for on the one hand the question involved local interest of great importance and on the other it affected adversely the railroad policy of the State. Governor Morehead and his friends stood for their immediate section, while R. R. Bridgers of Edgecombe, Dennis Ferebee and William T. Dortch upheld the State policy. It was declared by those who witnessed it to have been one of the

most remarkable debates in our legislative history. Truly 1858  
it was a battle of the giants and the House felt the shock  
of battle while the conflict lasted. The bill failed by a con-  
siderable majority in the House, but later was reconsidered,  
doubtless after an amicable arrangement had been reached.  
An amendment was agreed on that the road should not  
connect with any road in Virginia, and the name was  
changed to "Rockingham Coal Field Railroad." When the  
bill reached the Senate, Mr. Ashe moved an amendment that  
the road should not run within twenty miles of the North  
Carolina Railroad, which was adopted, and the name was  
again changed—this time to "The Dan River Coal Field  
Company."

House Jour-  
nal, 349

Senate Jour-  
nal, 389

### The homestead

The Assembly passed an act allowing any head of a family to have a homestead set apart, not to exceed \$500 in value, to be exempt from debt; and others incorporating the State Medical Society and establishing a Board of Medical Examiners; to encourage the planting of oysters and clams; to establish the line between Virginia and North Carolina. Nine banks were incorporated and twenty mining companies; while five colleges and eight seminaries were incorporated and the Common School Law amended.

### Holden's defeat

Holden, still aspiring to higher position, now suffered another defeat. The term of Senator Reid was about to expire, and Holden sought the Senatorship, but his party while electing Clingman to succeed himself conferred this senatorship upon Governor Bragg, whose attainments, capacity and character gave him rank among the most illustrious men ever produced in the State. As editor of a paper so powerful that "it could kill and make alive," Holden had assumed the role of dispensing honors, and in the campaign of that summer his coterie of friends had sought unsuccessfully to defeat the nomination of L. O'B. Branch for Congress. Failing in this and smarting under his successive defeats, in conference with Moses A. Bledsoe of Wake, and



others, he brought forward a new idea that promised at once to increase his hold on the masses and to punish the large slaveholders in his party, whom he regarded as hostile to him.

#### **Ad valorem**

On the meeting of the Assembly resolutions embodying this idea—to tax all property according to its value, thus repealing the long-established law and custom by which only a poll tax was imposed upon negroes—were introduced in both houses. In the House they were tabled by a vote of 48 to 38; and in the Senate, where they were ably advocated by Bledsoe, they met with the same fate. But the proposition, known as “ad valorem” taxation, had in it an element of popularity. The distribution of negro population was very unequal. It was relatively heavier in the eastern counties and sparse at the west. There were 86 counties in all. Twelve of the mountain counties contained 72,210 whites and only 6,813 negroes, and in some of these there were twenty and thirty whites to one negro; while in some of the eastern counties there were more negroes than whites. And at the east, as at the west, there were many voters who owned no slaves, and their support was expected. So although signally defeated in the Assembly, the proposed change in taxation, promising to meet with popular favor, was taken up by some of the working men at Raleigh, and was not allowed to die.

#### **New counties**

The counties of Alleghany and Harnett were established, and the northwestern portion of New Hanover was laid off to be a new county, to be called Lillington, subject, however, to the approval of two-thirds of the voters of the Rocky Point district, and apparently Rocky Point was not willing, and that county was not established.

#### **The judiciary**

Chief Justice Nash having died on December 4, 1858, after a long and distinguished service on the bench, the

Assembly, to Judge Ruffin's surprise, elected him to the Supreme Court, and although he did not wish to leave his retirement, he said that he regarded the election as "a call to duty" and he reluctantly accepted the appointment. Chief Justice Nash had not attended the June session of the court and the court had been held by Judges Pearson and Battle; so at the term beginning December 30, the members of the court chose Pearson for Chief Justice. During the year Judge Sam Person and Judge Ellis had resigned, and Robert R. Heath of Edenton and Jesse G. Shepherd of Fayetteville were appointed by Governor Bragg temporarily to the vacancies and were later elected by the Assembly.

Ruffin on  
the bench

Pearson,  
Chief  
Justice

There had been trouble in regard to the North Carolina railroad and a committee was raised to examine into its affairs. It appears that under the administration of Governor Morehead the contractors had done their work badly in the eastern division and culverts had not been properly constructed; and that under the Fisher administration a much larger expenditure had been made for wood than was necessary; and there were other irregularities.

Other judges

### State finances

Governor Bragg directed attention to the growing "floating debt," which now amounted to nearly \$400,000, to pay which would take nearly all the State's taxes, and to the necessity of taking care of the bonded debt. The great panic of 1857, while it had caused widespread disaster elsewhere, passed without a trace in this State because the banks had successfully met it. But the State's annual receipts were not equal to its demand for cash. Governor Bragg suggested a bond issue accompanied by a sinking fund; and accordingly the Treasurer was authorized to issue bonds to the amount of \$1,360,000 to meet the needs of the Treasury.

1858

### Congressional election

When the election of Congressmen came on in 1858, the Whigs' contention was that the Democrats were for disunion, and they themselves stood for peace and union. Holden's



attitude to his party and the measure proposed by Bledsoe in the Assembly also had some effect on the campaign. The Democrats reëlected all their Congressmen, except Scales, who was defeated by James Madison Leach, and Dr. Shaw, whose former opponent W. N. H. Smith, having served acceptably in the Assembly and made a fine impression, now succeeded in ousting him. The last opponents were men of courage and spirit and their controversies unluckily became violent and bitter.

### **Smith in Congress**

Dec., 1859

When Congress met in December, 1859, the Democrats no longer had control of the House. The Republicans and the Whigs together could make a majority. Smith, although this was his first term in Congress, was the Whig candidate for Speaker. He was a protectionist, and as such was preferred by northern protectionists and he was preferred by southern Democrats as against the Republican nominee, John Sherman. After a contest lasting two months, some Republicans and enough Democrats went to Smith to elect him. On the count he had a majority, but C. Jay Morris, formerly a Whig from Pennsylvania but then a Republican, asked Smith to pledge himself to appoint a protection committee of Ways and Means, and Smith refusing to make any pledge, Morris, who had voted for him, changed his vote, and the Republicans followed his course; so there was no election. Pennington of New Jersey was later elected.

### **Conditions in 1860**

The Free Soilers had taken a decided step in advance. William H. Seward, the most influential of the Republican leaders, declared in a great speech at Rochester that negro slave labor stood in the way of free white labor, and that there was "an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation." And, contemporaneously, Abraham Lincoln of Illinois, in a statewide

campaign with Senator Douglas for the senatorship, urged as a political maxim: "A house divided against itself cannot stand." "And I believe," said he, "this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved. It will become all one thing or all the other." In the contest Lincoln proved more than a match for Douglas, and from an unknown local partisan he sprang suddenly into fame as the foremost exponent of Republican faith. While Lincoln's words were being echoed throughout the North, Hinton Rowan Helper, whose father was a slaveholder living in Davie County, having become impressed during a sojourn in California with the advantages of white labor, published a small volume against the slavery system, not to better the condition of the negro but to substitute free white labor. It was, however, an incendiary work of a virulent character and denounced all intercourse, social, business or religious, with slaveholders. Its value as an aid in the movement against slavery was immediately seen by Republican leaders, and under the title of "A Manifesto—The Impending Crisis," and bearing the endorsement of sixty-four members of Congress and well-known Republicans, it was distributed throughout the North and West in batches of one hundred thousand copies. The potency of its effect in arraying the masses of the North against the Southern people cannot be estimated. And the close of the year brought an added impetus to the abolition movement.

### John Brown

In October, 1859, a fanatic, John Brown, notorious for his butchery of human beings in Kansas, brought to a head an undertaking that he and his abettors had planned in Canada to start a servile war in Virginia. In May, 1856, he and a party of his followers had taken by night five pro-slavery men from among their Pottawatomie neighbors in Kansas and butchered them, literally hacking them to pieces with cutlasses, there being no particular reason for selecting these men for butchery. Three years later he secretly distributed a considerable number of those associated in the de-

Oct., 1859



sign of inaugurating a servile war conveniently in western Pennsylvania, and with some fifteen of his former adherents in Kansas, familiar with butchery, several other whites, and a few negroes\* he established a base of operations on a farm near Harper's Ferry. On Sunday night about the middle of October, this force entered the town, virtually taking possession, with the purpose of securing a quantity of arms and ammunition stored in the arsenal there and then moving to the mountains where they expected to be joined by the negroes. But the citizens rose against them and a hundred militia hurried from Charles Town, and soon all of the band was killed, except Brown and two or three others; and they were taken and, after trial, executed. While much indignation was expressed by conservatives at the North at this crystallization into an overt act of abolition sentiment, yet generally among Republicans sympathy was avowed, and John Brown became a hero and martyr—the butcher of human beings, reeking with his crimes, was installed as a saint in the temples of fanaticism, a singular expression of Northern sentiment.

Republican  
sympathies

The portrayal of Republican sentiment by Senator Clingman in the Senate three months later may not have been applicable to all of that party, but it records the progress of the general spirit of abolition fanaticism. Referring to the crimes and execution of John Brown and the manifestation of admiration and sympathy evoked, the North Carolina Senator said: "Large meetings were held to express these feelings, services and prayers were made in his behalf, church bells tolled and cannon fired, and more significant than all these was the declaration of almost the entire Republican press that his punishment should strengthen the Republican cause. At a meeting in Boston, where thousands were assembled, when Emerson, a literary man of eminence, proclaimed that Brown 'had made the gallows as glorious as the cross,' he was rapturously applauded. At the large

John  
Brown

\*One of these was a free negro, born and reared in Fayetteville, Lewis Sheridan Leary, none of whose pregenitors as far as known had been slaves. His mother was born in French dominions. His father, whose ancestor fought in the Revolution under Greene, was a saddler, and Leary was taught that trade and had some education. In 1857 when 18 years old he removed to Oberlin, Ohio, and fell in with Brown.

meeting at Natick, when the Senator from Massachusetts was a speaker, the principal speaker, Wright, declared the people of the North look upon 'Jesus Christ as a dead failure,' and hereafter would rely upon 'John Brown and him hanged.' "

The South was startled by John Brown's raid as by a clap of thunder. There was a sudden realization that fanaticism knew no bounds. With mingled indignation and apprehension military companies tendered their aid to Virginia. And as similar attempts might be repeated, when and where least expected, measures of precaution were taken locally in North Carolina and elsewhere in the slaveholding states, and new military companies were formed in many counties. Moreover, future possibilities were brought sharply under consideration.

#### **The Council of State make declaration**

Early in December the Council of State met at Raleigh and adopted resolutions: "If we cannot hold our slave property and at the same time enjoy repose and tranquillity in the Union, we will be constrained, in justice to ourselves and to our posterity, to establish new forms and to establish new guards for our security and well-being. . . . That while declaring our sincere devotion to the Union according to the Constitution as it was established by our forefathers, and while we are ready to uphold and maintain it as a union of equals, we are not unmindful of the fact that the disturbers of our peace have received and are receiving the active and the substantial support of large portions of the people of the non-slaveholding states at the North."

Standard,  
Dec. 10,  
1859

Horror and indignation prevailed throughout the State. Political differences were hushed. There were no two minds discernible; all stood together. The press unanimously gave voice to the general feeling. The *Standard*, however, went beyond all others in saying: "After Seward's Rochester speech, after the Harpers Ferry outrage, and after Helper's book, endorsed as it is by the leaders of the Black Republicanism, the people of the South will not submit to Black Republican rule. They will sunder the bonds."

The  
Standard



R. C. Ch. 34,  
Sec. 10

Cor.  
Jonathan  
Worth, I,  
113, 115

Hamilton  
Reconst. in  
N. C., 9

Officials redoubled their vigilance, and during the winter there were here and there throughout North Carolina arrests of persons for distributing publications and disseminating views calculated to make the negroes discontented with their condition. Among those arrested was Rev. Daniel Worth, a member of a highly respectable connection in the State, who had emigrated to Indiana, and had become a monomaniac on the subject of slavery. He had sought to distribute Helper's book, and was indicted under a section of the Revised Code, that made it a felony to circulate a publication the evident tendency of which was to excite among slaves a disposition to make insurrection. Although ably defended by James T. Morehead, a large slaveholder, in March Worth was convicted in Randolph, and in April in Guilford. He was sentenced to a year's imprisonment in each case, but having appealed and given bail, he left the State. When asked, why as a minister of the gospel, he did not obey the law, he replied: "I have no respect for North Carolina laws, for they are enacted by adulterers, drunkards and gamblers." Indeed, one of the incidents of the agitation for the abolition of slavery had been the sowing of seeds for a full harvest of misapprehension. The views of this preacher of the gospel, a man of "talents and of exemplary morals," himself of Southern parentage, with regard to Southern character, were measurably shared by many at the North. Others again regarded Southern men as mere bullies and desperate profligates, while some fancied that the South was largely peopled by men of immense wealth, lordly aristocrats, proper objects of envy and of hatred.

### Conditions in North Carolina

1860

But without regard to the sentiments of the Republicans, the South continued its onward march in prosperity and diversification of industry, and North Carolina shared the general progress. Indeed, so great had been the increase of wealth at the South that much of the feeling at the North was ascribed to its envy, for every Southerner traveling northward was esteemed a nabob.

North Carolina especially had entered upon a career of 1860 marvelous development. The decade then drawing to its close might well be called the golden period of her existence. It was rich in accomplishment and contentment and happiness reigned throughout her borders, while the future promised full reward of industry. The sectional animosities that had sprung from the provisions of the Constitution of 1777 had been allayed, and the distance of the west from the markets had been virtually shortened by the construction of railroads. Indeed the benefits of the system of railroads as developed were inestimable in unifying the State and removing sectionalism. Already nearly 900 miles of railroads were in operation and the State felt the removal of the burden on transportation, while the unification of the interests that had once been divergent was most happy in results.

It must be borne in mind that although all the inhabitants were native born yet the racial characteristics of the several settlements had been perpetuated.

The thousands of Lutheran families that had occupied in part the Yadkin and Catawba counties no longer spoke German, but like their neighbors, the Scotch-Irish and the Moravians who had spread out through the territory about Salem, and the Quakers in the Guilford country, they remained distinct in their religious associations, and were the same industrious people, trained in many of the arts of industry, that their forefathers were. And so it was with Highland Scotch who occupied the upper Cape Fear country. The population while far from being homogeneous was excellent in those attributes that adorn character and that develop the best type of citizenship.

### **The social progress**

There was progress in every line of activity. The public schools that had begun in 1840, now after twenty years, numbered 177,000 pupils, of whom 15,000 were in the academies and the University was crowded beyond its capacity. More than 4,000 churches dotted the hillsides, every country church exerting a beneficial influence as well as bearing



Senate Journal, p. 27

Manufactures

1860

evidence of the characteristics of the people in its vicinity, and the people were God fearing and law abiding. Year by year improvements had been introduced in every ramification of social life, in the administration of justice, the care of the unfortunate, the protection of the family and the elevation of the citizens. Despite the "call of the West" that annually attracted thousands to the fertile lands of newer settlements, carrying along with them thousands of slaves, both whites and blacks had increased during the decade more than fourteen per cent, and the value of property had doubled. The improved lands on the farms had increased nearly one-third, while the average size of the farms had diminished from 369 to 316 acres. The yield of wheat and of cotton had doubled, and the production of corn was more than thirty million bushels and of tobacco thirty-two million pounds. Banking facilities had been multiplied, there being now sixty banks, and North Carolina credit was high. In manufactures 2,500 establishments employed 12,217 hands, yielding a profit of more than 30 per cent on the capital of \$10,000,000 invested. In this era of prosperity, of improved transportation, of business facilities, and of public schools, the expenditures had largely increased and the people were now content with the results of liberal appropriations. In a word, nowhere else was to be found a picture more pleasing to one in sympathy with what is best in human existence. North Carolinians can dwell on it with pride and admiration.

State affairs and local concerns claimed almost exclusive attention. There were no officers of the Federal government in the State except the postmasters, some collectors of customs at the seaports, and the sleepy officers of the Federal court that did no business. The tariff was no longer a burden. The people had no other contact with the government of the Union than to elect their representatives to the Congress and so slight was the connection that they hardly felt its existence.

Public men

During that decade public life in the State was adorned by a galaxy of brilliant men: Badger, Graham, George Davis, Morehead, Thomas S. Ashe, John Kerr, W. N. H. Smith, Judge Pearson, Judge Nash, Judge Manly, John Pool

and other Whigs of eminence were well matched by Bragg, Dobbin, Clingman, Avery, W. S. Ashe, Branch, Craige, Strange, Bridgers, Person, Chief Justice Ruffin, Judge Ellis, Scales and other Democrats. The bar was strong and numerous, and the administration of justice excited admiration. Indeed the opinions filed in the Supreme Court were cited with commendation not only in the courts of all the states but in those of Great Britain. The pulpit likewise, was adorned by men of learning and saintliness, and the press had grown in power and in numbers. Perhaps the most influential of all the editors was E. J. Hale, who for a quarter of a century had published the *Observer* at Fayetteville. At Raleigh the *Standard* was powerful among the Democrats, while the *Register*, established by Joseph Gales fifty years earlier, and now published by J. W. Syme, was potent in Whig circles. At Wilmington the *Journal*, edited by James Fulton, was leader, while the *Commercial*, T. B. Loring, and the *Herald*, Talcott Burr, were influential. And there were more than fifty other newspapers in the State, many edited by men of ability. While there were but few ventures in the literary field, there were some historical publications of unusual excellence; Jones's *Defense of North Carolina* and Wheeler's *History of the State*; Caruthers's *Life of Dr. David Caldwell*, and his *Old North State*; Foote's *Sketches*; Hawks's *History of North Carolina*; McRee's *Life and Letters of Iredell*; Essays by Graham, Swain and Hawks; Addresses by Dr. Hooper and George Davis, and Joshua G. Wright's oration at Moore's Creek; Mrs. Bayard Clarke's poems, *Wood Notes*; Dr. Curtis's *Woody Plants*, and the historical papers published in the *University Magazine* were likewise notable contributions. And there was also a publication of merit begun in 1857, printed at Raleigh, devoted to agriculture, horticulture and the mechanic arts, the name being the *North Carolina Planter*, which, advocating soil improvement and diffusing information, was doubtless of much practical benefit.

The press

Authors

As North Carolina had led the way in having a geological survey, so the purpose of ascertaining and bringing to the attention of the public the varied resources of the State continued. In 1850 the State Geologist began a collection of



specimens of the different kinds of minerals to be found in the State that eventually became the Museum which by its constant additions grew into a very interesting display of the natural resources of the State, and furnished the basis for the fine exhibits made in the later expositions held in this country and at Vienna abroad. In 1860 Professor Emmons, the State Geologist, made valuable reports on agriculture as well as minerals and his work was supplemented by a treatise prepared by the learned Edmund Ruffin of Virginia on the swamp lands of North Carolina.

The diffusion of education, the new facilities for travel, the expansion of business, the growth of the towns and the general prosperity that prevailed had a happy effect on social conditions; and on the occasion of the visit of President Buchanan, accompanied by several other distinguished personages to the University in 1859, there was such a brilliant gathering at Chapel Hill and addresses of such literary excellence as shed luster on the people of the State.

Military  
academies

The benefits of military training had led to the establishment of several military academies in the State. At Charlotte, Major D. H. Hill, distinguished in the Mexican War, and like his brother-in-law, Thomas J. Jackson, eminent as a teacher and famed as a disciplinarian, was successfully conducting the North Carolina Military Institute. Near Hillsboro, Col. C. C. Tew had established a military academy of high repute. He had made a tour of Europe, partly on foot, and had visited many of the great army posts, studying military science and the art of war. Capt. C. B. Denson, Maj. D. H. Christie, Mr. J. Lovejoy and others likewise were instructing the youths of the different parts of the State in the duties of a soldier. All of these academies were well patronized and hundreds of cadets were every year learning something of discipline and military service and were being trained in obedience to law and authority. And, as if coming events had cast their shadows before, twenty-eight military companies had been organized here and there throughout the State, presenting the nucleus of a small military force.

### The census

While the census states the number of manufacturing establishments at 3,669, yet 1,000 of these were merely gathering the turpentine from the trees, and though employing 2,000 men very profitably, their operation was not in the nature of manufacturing. The manufacturing of spirits of turpentine was different. Of these there were 460, employing 750 hands, and the products were worth \$4,258,000. There were 628 mills making flour and meal, employing 824 hands and making \$4,354,000 of products. 1860

Tobacco came next in importance: 97 factories, employing 1,360 hands, all these employees being males, and the value of the products being \$1,117,000. But cotton goods were not far behind; 39 factories with a capital of \$1,272,000, employed 440 males and 1,315 females, and the products worth \$1,046,000. There were besides seven woolen mills. Sawmills also employed more than 1,000 men and their products were over a million dollars. Industries

At the east, where the labor was almost exclusively negro, lumber, distilling and tobacco were the chief manufactures; but there was also a fair share of other industries. The west, however, had all the woolen mills and three times as many cotton factories as the east, although Cumberland County headed the list with seven out of the 39 cotton factories, employing 489 hands, and Edgecombe had the most important mill in the State. Randolph and Alamance each had five; Gaston three, and Iredell two. There were also factories making agricultural implements, carriages, wagons, sashes, blinds and doors, leather and saddlery. Already manufacturing was entering into the life of the people. But the progress and development that then marked the improved conditions in the State had not been effected without cost. The State debt had been almost suddenly expanded to \$8,833,000 and the annual interest aggregated \$529,000, while five millions more in bonds had been authorized for new railroads.

### Ad valorem

Some of Holden's friends in Wake held a meeting and issued an address entitled "The Working Man's Address,"



The slaves

advocating "ad valorem" taxation, taxing slaves as other property. In theory that was just, particularly as the slaveholder was insisting on his carrying his slaves into the territories as "property," but it did not appeal strongly at the time to the non-slaveholding class. The situation in the State was this: there were 629,000 white population, about 125,000 voters; the number of slaveholders was 34,600, some of whom were women; so that only about 30,000 were of the voting class, being one-fourth of the voters. The non-slaveholder could have had it all his own way had he cared to do so. However, few slaves were ever sold in the State. Their service, their labor, was valuable, but as they were not for sale they stood on a different footing from other property. They were largely "of the family." One-half of the slaveowners owned less than three slaves; one-fifth owned only one. It was this condition that gave to the institution in North Carolina a domestic character, and while tending to the elevation of the negro by his close contact with the family, imparted to slavery in North Carolina a coloring that obscured the idea of mere "property." The relation of master and servant coming down through the generations was accompanied by a kindly and affectionate interest on both sides, and generally marked by faithful, loyal service and real respect and regard.

Mr. Syme, the editor of the *Raleigh Register*, the leading Whig paper, took the position that it was very improper to raise the question of Ad Valorem because of the abolition movement, while the *Standard* became its strong advocate, and published the "Address" and sent it broadcast throughout the State.

Constitutional Union party

The Whigs then called themselves the "Opposition"; but in February, the venerable Senator Crittenden of Kentucky, on whom had fallen the mantle of Henry Clay, called together many of the old Whig leaders, among them Graham, Gilmer and others from North Carolina, and they organized a new party under the name of the Constitutional Union party. When they held their convention they embodied "ad valorem" in their platform, although their nominee, John Pool, had voted against it in the Senate. On the other hand, in March the Democratic convention

nominated Ellis and took ground against it. The chief issue between the two parties in the August election thus became the proposed change in the system of taxation; and while Mr. Syme subordinated himself to his party, Mr. Holden, although strongly antagonizing Pool and advocating Ellis, was lukewarm on that issue.

Early in the campaign the opposition, aided by Holden and Bledsoe, had made gains on the issue of Ad Valorem despite the personal popularity of Judge Ellis, the able addresses of E. G. Haywood, the chairman of the Democratic State committee, and the efforts of his coadjutors. The course of the *Standard* on that issue was, indeed, cause of grave concern to the Democrats, for its powers and influence among the rank and file of the Democratic party were not underestimated, but its attitude was so hostile to party success that the Democratic State committee formally discarded it as a party organ and announced that the *Democratic Press*, edited by R. H. Whitaker, would be so regarded. Holden had drifted utterly away from his party organization. In the plenitude of his power he had declared that he could "kill and make alive," and now the leaders of his party resolutely broke with him. The campaign was very heated. Much was at stake in the eastern counties. The trend was against Ellis and in favor of Pool. Ellis, however, gained three thousand over his former vote, being the largest Democratic vote ever polled, while the Whigs rallied 8,000 more than they had polled when their last Whig candidate, Gilmer, ran four years before. The Democratic majority was 6,340, and that party held the Assembly. The non-slaveholder had not responded in great numbers to the appeals of the "working men," yet the Whig vote was strong.

The  
Standard  
discarded as  
the Dem-  
ocratic  
organ

Whitaker,  
77



## CHAPTER XXXIV

### ELECTION 1860

The conventions.—The meeting at Charleston.—Douglas men in control.—The platform adopted.—The cotton states secede.—The convention adjourns to Baltimore.—The seceders likewise meet there.—Bell nominated by the Whigs; Lincoln by the Republicans.—Judge Douglas's Southern connections.—He is nominated; and Breckinridge by the Southern wing of the party.—At home.—The platform.—Ellis again elected, but the Whigs enthusiastic.—Vance's oratory.—The election.—Adverse result at the North.—The unexpected had happened.—Secession was urged.—The right to withdraw.—Differences of opinion.—South Carolina calls a State convention.—The action at Wilmington, but the feeling was general.—Ellis's views.—Holden replaced by Spelman.

#### The Conventions

April, 1860

The Democratic convention chose as the delegates at large to the Democratic National Convention W. W. Avery, W. S. Ashe, W. W. Holden, and Bedford Brown. Of these Mr. Avery had been the most active and was perhaps the most influential. He had been the chairman of the delegation at the convention of 1856, and now was chosen as chairman of the Committee on Platform and Resolutions.

When the convention met at Charleston in April, there was much enthusiasm, for there was every hope that the Democrats would carry the election as in 1856, and there were many aspirants for honors. Tennessee presented for the presidency, Andrew Johnson, a native of Raleigh; Benjamin Butler of Massachusetts was an earnest supporter of Jefferson Davis; R. M. T. Hunter of Virginia was hopeful of the nomination. Many states had favorite sons. North Carolina was not backward. Governor Ellis and other influential North Carolinians had agreed to urge for the Vice-President, William S. Ashe, who would probably have had supporters from other states; but at first, W. W. Avery was formally presented for that nomination by the

entire delegation. And so it was in all the Southern States; men were looking keenly to the future for national honors.

### The point at issue

The Committee on Resolutions, composed of one delegate from each state, reported the platform of 1856, which declared that slavery could not be prohibited in a territory by congressional legislation, but with an amendment to the effect that neither could it be prohibited by territorial legislation. There was, however, a minority report, drawn to conform to Senator Douglas's view, known as "Squatter Sovereignty," that the people of a territory could, while still in a territorial condition, prohibit slavery in the territory and exclude a slaveholder from carrying his property into the territory. The platform of 1856 declared that Congress had not that power, but only the people when they had become a state. It was a state's right; but now Mr. Douglas proposed to extend the right to the legislature of the territory. It was a departure from established Democratic doctrine. At once a conflict was precipitated on the floor of the convention. Immigrants had poured into the North and West, and the representation from those states was numerically much greater than from the South, and sentiment at the North and West was with Douglas. Southern delegates protested that the Douglas position was not Democratic and that the South would not yield to this new doctrine. The delegates of the cotton states were largely of one mind; but those from North Carolina and the border states were divided in opinion as to their proper course. William S. Ashe addressed the convention, saying that if the minority platform was forced upon the party he would be compelled to withdraw. Bedford Brown, a staunch supporter of Jackson in the times of nullification and a devoted Union man, warned the convention that the adoption of the minority resolves would seal the fate of the party. Holden, who had in the *Standard* been a most aggressive Southerner, also spoke dwelling with force upon the dangers of secession. But protests were unavailing, the Douglas wing of the party, being in control, adopted the minority platform, the

Squatter  
Sovereignty

The North  
and West  
carry the  
day



The cotton  
states with-  
draw

vote being 165 to 138. The division of the convention was no longer as to nominees. It had become a matter of political principle. The delegates from the cotton states and a few others withdrew, 45 in all; but those from North Carolina remained in the convention.

The North  
Carolina  
delegation

The North Carolina delegation voted as a unit thirteen times for R. M. T. Hunter, the eminent Senator from Virginia; twelve times for Joseph Lane, of North Carolina parentage, distinguished as a general in the Mexican War, as a Governor of Oregon, and now as Senator; and six times for D. S. Dickinson of New York. Then, until the convention adjourned, R. P. Dick voted for Douglas, the others of the delegation remaining steadfast in the support of Lane. Although Douglas led in the voting, it was not thought that he could ever be nominated, and at one time the *Standard* thought that Clingman might be the nominee; but the Douglas men stood firm, and after 57 ballots, during which Douglas received only 153 votes, on May 3 the convention adjourned to meet at Baltimore on June 18, the cotton states being invited to fill the existing vacancies in their delegations in the meantime. The seceders, after consultation, adjourned and later agreed to convene June 18.

The  
convention  
adjourns to  
Baltimore

Judge  
Douglas

Judge Douglas had married Miss Martin of the family of the distinguished Governor Martin of Rockingham County, and thus became in close friendship with Governor David S. Reid and Judge Dick and other strong men in North Carolina; while he was most kindly regarded by Southern Democrats generally, being familiarly known as the "Little Giant of the West."\*

### Other nominees

Before the conventions reassembled in June the Constitutional Union party had met at Baltimore and nominated

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\*By a second marriage, his wife was Miss Cutts of Washington City, a grand niece of Dolly Madison, "The lady of the White House," who might naturally have desired that Judge Douglas should be President; and it has been thought that she to some extent induced Judge Douglas to persist in his course, eventuating in the disruption of his party and leading to the election of the Republican candidate and the war that ensued. In the Senate during the closing days of that Congress, Judge Douglas was a strenuous advocate for the Constitution and for peace. Unhappily, in June 1861, before the meeting of the special session of Congress, Judge Douglas died.

John Bell of Tennessee and Edward Everett of Massachusetts; and the Republicans had assembled ten thousand strong in the great wigwam in Chicago and, displacing Seward and other former leaders, on the third ballot placed their standard in the hands of Abraham Lincoln, who beginning life in obscurity, had through great capacity won fame in his long canvass with Douglas and laid the foundation of a memorable career on the doctrine that "a house divided against itself cannot stand"—that slavery must cease.

Bell

Lincoln

### At Baltimore

In the Democratic convention in Baltimore all points were decided by a majority of the delegates in attendance in favor of the Douglas delegates and such proceedings were had that Caleb Cushing of New Hampshire, the president, retired from the convention and along with many others, joined the seceders, who likewise had organized a convention. All of the North Carolina delegates then withdrew except Dick, Holden and J. W. B. Watson, a delegate from the Wake district, and of these only Judge Dick subsequently participated in the proceedings by voting. Douglas was declared the nominee for president, and Hershell V. Johnson of Georgia eventually became the candidate for the vice-presidency. The convention of the seceders then nominated Breckinridge and Lane. This split in the Democratic party was accompanied with great heat and bitterness. It was considered in the South that Douglas had sacrificed party unity to his ambition.

The nominees

On the adjournment of the conventions, the situation within the Democratic party was peculiar. The Democratic electors had already been nominated and were ready to enter on the State campaign, but both Douglas and Breckinridge claimed their loyal support. Holden, Dick and others asserted the regularity of Douglas's nomination, while the great mass of the party, repudiating Douglas, stood with Breckinridge. In the dilemma, several of the delegates to the national convention joined in recommending that the Executive Committee should consider convening a State

In the State



Douglas  
electors

convention to smooth out the difficulties. The *Standard* declared from its best information that a majority of the voters sustained Douglas, but that a majority of the leaders supported Breckinridge. The committee deferred action, and soon all the nominees but Henry W. Miller and Dr. Kean announced their adhesion to Breckinridge. Judge Dick, who was in sympathy with Douglas from the beginning, called a meeting at Raleigh of those who would support him, at which Douglas himself attended and made an address. A full electoral ticket was presented by this meeting, embracing among others, Judge Dick, Henry W. Miller, Thomas Settle and Samuel W. Watts.

Holden, a friend and admirer of Judge Douglas, maintained the regularity of his nomination, and at first pronounced for the Douglas electors, but seeing no sign of popular support he changed his attitude and on July 25 he put up at the head of his columns the names of Breckinridge and Lane and the names of the Breckinridge electors, with a note in large letters that he advocated that the electors should vote for Douglas if, by doing so, they would elect him. But the phalanxes of Democracy remained unbroken, their heart unchanged; the defection to Douglas was not material.

There was no Lincoln ticket in the State, or indeed in any of the Southern States, its absence emphasizing the sectional character of the contest. Supporting the Bell and Everett organization were all the former Whig leaders, except some few—John Kerr, William Johnston, Judge Osborne, Paul Cameron, and others—who, like Clingman, had, in view of the agitation against slavery at the North, deemed it their duty to join the States' Rights men of the South.

### The expectation

While Democratic success in the Union was imperiled, yet hope was still entertained of defeating both Douglas and the Republicans. In any event, it was expected that the election would be thrown into the House, and, if no result there, then the Senate, surely Democratic, would

elect the Vice-President, who would be the acting President. Such was the forecast of astute politicians, but the Democratic masses at the South, relying on the friendship of the Northern people, felt very certain that Breckinridge would succeed at the election.

The campaign in the State took on a warmer hue after the rupture in the Democratic party, and the advocates of Pool and of Bell and Everett, much encouraged, pressed the argument that the only hope of maintaining the Union lay in the success of their party, which stood for the Constitution and the Union. But the people were not responsive. The Union did not seem to be in danger.

On the question of slavery, the platforms were in effect: the States' Rights Democrats, following the decision of the Supreme Court that all citizens had a right to carry their property into all territories belonging to the United States; the Douglas Democrats, that the territorial legislatures could exclude slavery; the Republicans, that slavery should be prohibited in all territories. For many years there had been agitation without important result and the people were slow to be moved. However, in June the *Standard* sounded a note of alarm, Holden urging that, if elected, Lincoln could reorganize the Supreme Court, packing it with Black Republicans; and then he added, "if the people of the South are true to themselves, they will never be troubled by the decisions of Black Republican judges. But if they submit to the inauguration and rule of Black Republicans, they will bind themselves to submit to the decisions of an abolition court." This suggestion of future trouble fell on unwilling ears and made but slight impression, and in the campaign but little thought was given to what was deemed such a remote contingency as Lincoln's election. Secession was not discussed on the hustings, and indeed even among the States' Rights men there was diversity of opinion as to the constitutional right of secession. Chief Justice Ruffin, Bedford Brown, John Hill and many others had stood with President Jackson in his strenuous purpose to maintain the Union in 1833, now either denying the constitutional right, or not admitting it. Still before the final align-

The slavery  
question

Holden's  
views

Hamilton  
12

Secession  
not in issue



ment at the polls the slavery question assumed larger proportions and the people began to realize that the situation was ominous, and State issues lost something of their influence.

### The August election

Ellis was elected over his eloquent and strong opponent by the reduced majority of 6,340, in a total vote of 112,586, of which Ellis polled 59,463, and Pool 53,123, and the Democrats had only ten majority in the Senate and fourteen in the House. Two years before MacRae had not polled the full Whig vote; and now, although Ellis increased his vote by 3,000, Pool received 13,000 more than MacRae. Encouraged by this strong popular vote, and rendered hopeful because of the division in the Democratic party, the Bell and Everett supporters made strenuous efforts for success at the presidential election. They brought to the hustings every possible orator and made a great and memorable campaign. For two days they held a great mass meeting for the Union at Salisbury, attended by Badger, Morehead, Graham, Gilmer, Rayner, Dockery and many other leaders, among them young Vance from the mountains. Delegations had come from all parts of the State, and it was an immense gathering. Masterly speeches were made by the veteran orators; but it was Vance who was carried from street corner to street corner, and in the lurid light of burning tar barrels, the crowd, excited by his unrivaled eloquence, went wild in a whirlwind of enthusiasm, and covering him with wreaths bore him on their shoulders around the vast assemblage amid deafening shouts. "Ah," said Badger, "he is the greatest stump speaker that ever was—the greatest that ever was." But despite the vigorous campaign and the heat and eloquence of the Whig leaders, and the sectional character of the issues discussed, popular interest was not aroused, and the vote fell off 16,500 from that cast in August; the aggregate being 95,950, of which Breckinridge received 48,539, Bell 44,990, and Douglas only 2,401.

Great Whig  
meeting

Vance

**The Northern vote**

The result at the North was utterly unexpected and it startled the South. Lincoln received every electoral vote cast at the North except three from New Jersey. Douglas carried Missouri alone; Bell had pluralities in Virginia, Tennessee and Kentucky, and he got three votes from New Jersey. The other Southern States voted for Breckinridge. Of 3,403,444 votes cast in the free states, 1,840,072 were given to the Republican candidates, who had received only 26,430 in the slave states, and these chiefly in Missouri. Nov., 1860

The South was confronted with the portentous fact that the Northern States had elected a sectional President, and that a considerable majority of the Northern voters had endorsed the candidate who stood for the declaration that the entire country must become either slaveholding or free. The unexpected had happened.

**The South awakened**

The South was profoundly moved. The amazing strength developed by the Abolition party and its success gave form and substance to apprehensions that before had been but shadowy. The threatening clouds that had at times risen above the horizon and been dissipated by natural influences now gathered with rapidity and a storm of unparalleled force swept through the South. The election of Lincoln was like a sudden blow in the face. That a solid array of Northern States sustained a sectional party that ignored the Constitution as interpreted by the Supreme Court, and that had nullified the constitutional provision requiring the return of fugitive slaves, was a fact of momentous import. If the Constitution was to be ignored by the Northern States, the Southern States had no guarantee of protection under its provisions. In the cotton states, secession was hotly urged.

In North Carolina, as elsewhere, there was much excitement; but while there was a demonstrative element favoring secession, the people for the most part were in sympathy with the border states, and a considerable majority held that



the election of a Republican President in itself was not sufficient to dissolve the Union. It was insisted that as North Carolina was the last State to enter the Union, she would be the last to leave it.

### **Southern views**

The Federal Constitution had been adopted by the people of each state acting for the State. It was the exercise of a sovereign power. There were those who considered that what had been done by the people of a state in 1789 could be undone by the people of the state in 1860. There were many restrictions imposed on state action by the Constitution and these each state was bound to observe while a member of the Union; but there was no inhibition in the Constitution against a withdrawal. Therefore it was argued that without any infraction of the Constitution a state might withdraw. There were, however, even among States' Rights Democrats differences of opinion both as to the right to withdraw and as to the expediency of such action; while among the public men of Whig antecedents almost without exception both the right to withdraw and the expediency were denied. At the center and west of the State the Union feeling prevailed; at the east and south the Democrats leaned toward secession.

South Carolina calls a convention

The South Carolina Legislature was in session on election day as that State appointed electors by the Legislature, and when the result of the presidential election became known, it met the situation by calling a state convention to meet on the 17th day of December; and Georgia and the other cotton states likewise called conventions.

### **In the State**

The feeling in South Carolina was so intense that all Union sentiment was overcome; and along the border a strong secession feeling prevailed in North Carolina.

Quickly after the election a secession meeting was held in Cleveland County, and within a fortnight the people of Wilmington, always resolute to act, inaugurated a secession movement to be promoted by meetings throughout the State;

but the adverse feeling was so strong that at first the movement made but little headway. The people were not favorable to secession. Indeed, at Fayetteville, where there was a United States arsenal, that town and citizens had petitioned in the fall for a company of Federal troops, there being no thought of conflict, and the troops were sent in October. When the Assembly met in November, it elected Henry T. Clark, a conservative farmer, Speaker of the Senate, and William T. Dortch, also a man careful and conservative, Speaker of the House. Every member of the Legislature, it was asserted, "had, when a candidate, held that the election of Lincoln would not of itself justify breaking up the Union." All the "unpretending Democratic members" remained Union men. But now some of the leaders had become pronounced secessionists. Governor Ellis, in conference with Clingman, Avery, Bridgers, Hoke and Burton, had determined to recommend the calling of a convention, Bragg alone dissenting. Clingman, later, in accepting the caucus nomination for Senator, urged a convention that would declare the purpose of the State to resist an attempt at coercion. "By thus laying down propositions in the nature of an ultimatum, the peace of the country could be maintained." But at that time neither of the Senators favored secession. Governor Ellis expected that some of the Southern States would secede, and that coercive measures would be adopted against them and that war would result. He therefore recommended to the Legislature that commissioners should be appointed to confer with the other Southern States and that North Carolina should take steps to prepare for any war that might arise. He also recommended that the militia should be reorganized and that a convention of the people should be called. He urged: "It is not the man, Abraham Lincoln, that we regard, but the power that elevated him to office, and which will naturally maintain a controlling influence in his administration. . . . Those who themselves have utterly refused to be bound by the Constitution, now hold it up to us as a bond to secure us from defending our property and lives against their oppressions." But, while anxious for the future, he did not counsel secession.

Worth correspondence

Clingman,  
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Governor  
Ellis



Holden out  
of line with  
his party

At the first caucus of the Democratic members such men as Avery, Erwin and Hoke from the west; Person, Batchelor and Bridgers from the east, demanded the decapitation of Holden, who held the lucrative place of public printer, and who had substantially broken with his party leaders. The Unionists ascribed the exercise of party discipline to the fact that Holden had avowed Union sentiments. The rank and file were astounded, and the resolution was carried in caucus by a bare majority. John Spelman, who had purchased the *Press*, the Democratic organ, and changed its name to the *State Journal*, was elected Public Printer, with the natural consequence of still further embittering Holden.

Early in the session bills to call a convention were introduced and referred, but the temper of the Assembly and the prevailing public opinion were so averse that it was not until December that the committee acted.

## CHAPTER XXXV

### CONGRESS DECLINES TO COERCE

Congress declines to act.—President Buchanan.—Lodge on Secession.—Clingman.—Jefferson Davis.—New Hanover recommends a Convention.—One half of the Democrats desire to preserve the Union.—Secession badges.—Union clubs.—Boyce and Keitt.—In the cotton states.—Northern feeling.—Greeley.—Business affected.—South Carolina secedes.—Lincoln's position.—Crittenden's resolutions.—Events move rapidly.—The offer of Southern Senators.—Unavailing.—The State press.—Views.—The forts.—The *Star of the West*.—Buchanan's appeal.—The breach widens.—Fort Caswell occupied.—The states secede.—Hopes to avert the calamity.—Virginia calls on all the states.—Assembly takes measures.—Calls a convention.—Peace conference.—At Montgomery.

#### Buchanan's views

President Buchanan had, in November, sought the counsel of many prominent men of the South and North alike. The object and purpose of all was to preserve the Union. As he had no influence over those who had created the conditions, he could do nothing of himself to allay the storm that had arisen. It was not his associates who had precipitated the issue, and they could give no assurance of the future. The destiny of the country lay in other hands. He could only seek to postpone events, hoping that time might allay excitement and bring about a possible adjustment. While he deemed it his duty to hold the Federal forts, wherever situated, he accepted the opinion of his Attorney-General, the eminent Jere Black of Pennsylvania, that the Federal government had no power to engage in war with a state to coerce it. Even should there be the secession of a state, as threatened, peaceful influence might prevail to bring about a return to the Union. He could only await developments. In his message to the Congress he pointed out that "the long continued and intemperate interference of the Northern people with the question of slavery in the Southern

Dec., 1860

Opinion of  
Black



States has at last produced its natural effects." Urging that peace and harmony should be restored to the distracted country, he declared: "All that is necessary to accomplish the object and all for which the slave states have ever contended is to be let alone and permitted to manage their domestic institutions in their own way. As sovereign states, they, and they alone, are responsible before God and the world for the slavery existing among them." He took the further position that, to secure their domestic security and happiness, all peaceful and constitutional means failing, they "would be justified in revolutionary resistance to the government of the Union."

In these views President Buchanan seems to have been of the same mind with Henry Cabot Lodge, the historian of Massachusetts and great senator fifty years later, who in his *Life of Webster* records: "When the Constitution was adopted by the assembly of states at Philadelphia, and accepted by votes of states in popular convention, it is safe to say that there was not a man in the country, from Washington and Hamilton on one side to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the states, and from which each and every state had the right to peaceably withdraw, a right which was very likely to be exercised." Lodge was writing as a historian, in the spirit of truth and honesty. And, indeed, Massachusetts herself gave out no uncertain sound; in the preamble to her Constitution she declared that the people of that State have the sole and exclusive right of governing themselves as a free, sovereign and independent state, and shall enjoy every power and right not expressly delegated to the United States in Congress assembled.

Clingman's  
view

In the House the President's message was referred to a committee of one from each state, but no Democrat from any Northern state was appointed on it. When the message was received in the Senate, Senator Clingman, in moving its reference, said: "It is not merely that a dangerous man has been elected to the Presidency of the United States, but I assert that the President-elect has been elected because

he was known to be a dangerous man. He has avowed the principle of 'the irrepressible conflict'; he declares that it is the purpose of the North to make war upon my section until its social system is destroyed, and for that he was taken up and elected. That declaration of war is dangerous because it has been endorsed by a majority of the votes of the free states in the last election. It is that great, remarkable and dangerous fact that has filled my section with alarm and dread for the future."

Clingman's  
speeches,  
515

Jefferson Davis said: "I turn to the other side of this chamber, to the majority section, to the section in which have been committed the acts that now threaten the dissolution of the Union. I call upon you, the representatives of that section, here and now to say so if your people are not hostile, if they are prepared to do justice, to abandon their opposition to the Constitution and the laws. Give us that declaration; give us that evidence of the will of your constituents to restore us to our original position when mutual kindness was the animating motive." But the appeal brought no response.

Davis's  
appeal

### Divergent views

The intolerance of the Republicans, founded on a sentiment similar to that which animated the old Crusaders and buttressed on the development of great numerical strength, rendered them deaf to the appeals of patriotism. Such was the attitude of the Republicans at the North when, on December 10, at Raleigh the Committee on Federal Relations in the Assembly reported through its chairman, Samuel Person of New Hanover, recommending that a convention be called, the delegates to be chosen on February 7, and to meet on the 18th, provided a majority of the voters should approve of the call. But a minority report was made by Giles Mebane, David Outlaw, and Nathan Newby, opposing the proposition. They recommended that the Legislature should seek to procure an early convention of all the states with the view of arranging permanently the matters in difference between the states. It was considered that the proposition should have a two-thirds ma-



jority, and as on a vote in the House on December 12 the measure did not receive the support of all the Democrats while the Whigs resolutely opposed it, the proposition was laid aside. Indeed, at the end of December, "nearly one-half of the Democratic members desire to preserve the Union." In the counties, however, the people were beginning to wear a red cockade—the secession badge—and meetings were held and clubs formed to promote secession; while, on the other hand, the Unionists displayed still greater activity. One of the most notable of the Union clubs was organized at the State capital, and it exerted a powerful influence. Among its members were Judge Badger, Judge Battle, B. F. Moore, Sion H. Rogers, W. W. Holden, and many others of distinction. Kemp P. Battle, then an active public man, was its president. With nearly the entire press of the State still holding for the Union, this club with its coadjutors developed in the central and western counties a strong and aggressive feeling, so strong in Raleigh that it was bitter and intolerant. When Congressmen were returning to their homes during the Christmas holidays Boyce and Keitt of South Carolina stopped in Raleigh, and at the instance of friends made speeches from the hotel, urging that North Carolina should join South Carolina. Threats of violence were at once made against them, and there was danger of insult and riot. But Rogers and Vance, both Union men, became active to prevent indignity to their colleagues. Rogers produced a diversion by calling a Union meeting in the courthouse, and Vance adroitly calmed the storm by good humor and good sense.

Hostility to  
secession

Biog. Hist.,  
VI, 482

### At the South

Meanwhile in the cotton states disaffection towards the Union spread with amazing rapidity. Although the public men generally held back, the people pressed forward. In South Carolina secession badges were worn by every one. The President had declared that there was no power to coerce. It had long been asserted by Abolitionists that "the Constitution was a league with hell," and it was their association in the compact with the Southern States that har-

rowed their virtuous souls. Horace Greeley, the great Abolition editor, but a man of candor, said: "If they choose to form an independent nation they have the moral right to do so. Erring sisters, go in peace." And again, on November 9, the *Tribune* said: "If the cotton states shall decide that they can do better out of the Union than in it, we insist on letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless and we do not see how one party can have a right to do what another party has a right to prevent." The people of the far South held the same view, and it became apparent that if no steps were taken to arrest the movement all the cotton states would secede.

Horace  
Greeley

#### At the North

The coming storm gave warning of its approach. The business ties between the Northeast and the South felt the strain and the banks in the South prepared for a crisis and panic. At the North there were here and there some evidences of a rebound. Chief Justice Shaw of Massachusetts united with thirty other eminent citizens in an address urging state action to soften the blow. A great mass meeting at Philadelphia sought to reassure the South. But these slight manifestations of concern only served to exasperate the hostile leaders of abolition thought. Senator Wade declared: "You have no Union today worthy of the name. The only salvation to your Union is that you divest it entirely of the taint of slavery." Politics of a party character entered upon the scene. It was declared that the sentiment of nine-tenths of the Free States was opposed to any compromise.

Blaine, 274

#### South Carolina acts

The convention of South Carolina met on the 17th day of December, and on the 20th it unanimously adopted an ordinance repealing the ordinance by which the State had ratified the Constitution, and Governor Pickens issued a proclamation that "South Carolina is, as she has a right to

Dec. 20,  
1860



be, a separate, sovereign, free, and independent state." The mystic circle of the Union was broken.

In North Carolina, as in Virginia, conservatism prevailed, but the Whigs as well as the Democrats, the Unionists as well as the Secessionists, regarded the situation with great alarm. Some Unionists, like Vance, knowing that men then opposed to secession would control it, even favored a State convention, hoping by a show of united purpose at the South to impress the North with the gravity of conditions and bring about a readjustment. But Mr. Lincoln was in active correspondence "to prevent as far as possible any of our friends from demoralizing themselves and our cause by entertaining propositions of compromise of any sort on slavery extension. There is no possible compromise upon it but which puts us under again, and all our work to do over again."

Rem. of  
Lincoln, 30

#### **Crittenden's resolutions**

On December 20, the day South Carolina seceded, a committee was appointed in the United States Senate to consider and report on the condition of the country, and Crittenden offered resolutions, providing for certain amendments to the Constitution restoring the Missouri Compromise, and thus annulling the right claimed by the South to carry slaves into the territories, and declaring that Congress had no power to interfere with slavery in the states. The committee was composed of five Republicans, three Northern Democrats, three from the border states and two from the cotton states. On assembling it was resolved that no proposition should be reported unless sustained by a majority of each of the classes of the committee. The action of the committee was thus made dependent upon the concurrence of at least three Republican Senators. The Crittenden proposition was not agreed to by any Republican, and no Republican offered any substitute.

The South's  
offer

Events moved rapidly in the last days of December. As the old year was going out all reasonable hope of reconciliation departed. In the Senate Committee of Thirteen, Davis and Toombs and all the other Southern Senators

offered to accept any proposition made by Senator Crittenden, if sustained by the Republican members, but the five Republicans voted against the compromise and offered nothing. On the last day of December the committee reported that it had not been able to agree and submitted its journal. Subsequently there was discussion in the Senate, and finally the death blow was given to the Crittenden proposition.

1860

After the secession of South Carolina the logic of events was favorable to some action in the State, although the border states remained quiet. Gradually the people in the east began to wear red cockades and meetings were held and clubs formed to promote secession. Still the only papers decided enough to advocate it were the *Wilmington Journal*, whose editor, James Fulton, was of great influence; the *State Journal*, the official organ of Governor Ellis, John Spelman, the editor, being the public printer; the *Goldsboro Rough Notes*, and the *Charlotte Bulletin*. The *Standard* now proclaimed the "watch-and-wait" policy, although it had been so violent in its utterances that it had admitted to its columns an article, "Who Will Assassinate Abraham Lincoln?" without unfavorable comment. Hale and the other Whigs strenuously opposed any violent action. Conservative North Carolina was not to be moved by the frenzy of the cotton states. Union meetings were held in many counties and Union clubs formed, one of the most notable of the clubs being the Wake County Union Club, of which Kemp P. Battle was president. Indeed, Raleigh, the center of thought and action, was intensely Union in sentiment, notwithstanding the residence there of Governor Ellis and other Democratic officers of the State administration. But throughout the State were many who held to the views expressed by Mr. Lincoln when he was in Congress: "Any people anywhere being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a sacred right, a right which, we hope and believe, is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may

The press

Hamilton,  
14Appendix  
Cong. Globe,  
August,  
1848, p. 94Lincoln's  
former view



choose to exercise it. Any portion of such people that can may revolutionize and make their own of so much of the territory as they inhabit."

Stephens,  
II, 520

And Mr. Greeley had expressed similar sentiments, saying November 9, 1860: "Nay, we hold, with Jefferson, to the inalienable right of communities to alter or abolish forms of government that have become oppressive or injurious. . . . And whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to the residue by bayonets."

Ibid.  
II, 517

### Progress of events

Two weeks elapsed after South Carolina led the way in secession within which steps might have been taken to arrest the movement; but the proceedings in that interval were inflammatory and hostile rather than tending to allay excitement at the South.

The forts

When South Carolina passed her ordinance withdrawing from the Union she demanded possession of the forts at Charleston, President Buchanan declined to take that action; a military force within the territory of a seceded state claiming to be independent made a condition likely to produce collision. Although urged to withdraw the troops from Charleston, President Buchanan declined to take that action; but notwithstanding his announced determination to hold the forts, there was apparently some apprehension felt by Mr. Lincoln that he would abandon them.

Dec. 21

Lincoln's  
wish

On the 21st, the day following South Carolina's demand, Mr. Lincoln wrote to Hon. E. B. Washburne to tell General Scott "confidentially I shall be obliged to him to be as well prepared as he can to either hold or retake the forts as the case may require at and after the inauguration." This light from the rising sun doubtless illuminated the pathway of the head of the army. On the 27th Major Anderson abandoned Castle Pinckney and Fort Moultrie and fortified his command in Fort Sumter, and General Scott advised that he be allowed to secretly reinforce the garrison with

G. C. M. H.,  
343

men, ammunition and provisions. His advice was approved, and on January 5th an expedition set out from New York on board the *Star of the West*, a merchant steamer hired for the purpose. But despite the secrecy some warning came to Governor Pickens, and when the *Star of the West* arrived in Charleston harbor on the 9th, the South Carolina batteries drove her back, and the effort failed.

1861

The *Star of the West*

Howell Cobb and John B. Floyd had retired from the Cabinet in December; and when the purpose to reinforce Fort Sumter became known on the 8th of January, the other Southern members, Jacob Thompson and Governor Thomas of Maryland, likewise resigned. On the same day the President sought to provision Sumter he sent a message to Congress hotly calling attention to the progress of events, and to the dire results of delay in Congressional action. "Hope has been diminished by every hour of delay; and the prospect of a bloodless settlement fades away." The position he took was not unlike that of President Jackson: That no state has a right to secede; that he had no authority to recognize its independence; that it was his duty to collect the revenues and to protect public property; that while neither he nor Congress had a right to make aggressive war on a state, it was their right and duty to act defensively against those who resist Federal officers. "We are in the midst of a great revolution"; but he was "convinced that the South was under a misapprehension of the purposes of a majority of the Northern people. Therefore let the question be transferred to the ballot box. In heaven's name let the trial be made before the armed conflict. I appeal through you to the people that the Union shall be preserved in peace. All other questions sink into insignificance. I have determined that no act of mine shall lead to civil war; if it is to come it is my determined purpose not to commence it." He pointed out what he thought a reasonably peaceful solution, and urged action.

The President urges Congress

Buchanan's appeal

January

Richardson's Messages, V, 658

In the Senate Jefferson Davis made an urgent appeal to the Republicans "to assure the people of the South that you do intend calmly to consider all propositions which they may make and to recognize the rights which the Union was



established to secure." But the Republican Senators remained mute.

### **The widening breach**

These events emphasized the widening breach between the North and the South, and in both sections feeling rose high. The attempt to reinforce the forts at Charleston led to the belief that other forts were to be occupied. W. S. Ashe and others came from Wilmington to ask authority from Governor Ellis to take possession of the forts below that city before they were occupied. The Governor declined, but the Minute Men of Wilmington, under Captain Thurston, occupied Fort Caswell on January 10. Immediately on being advised of this movement, Governor Ellis, having received assurances from the President that no troops were to be sent to the Cape Fear, ordered Colonel Cantwell, commanding the militia of that district, to have the forts evacuated.

Moore, II,  
144

Chronicles  
of the Cape  
Fear

The fateful day now arrived and, with no Republican hand raised to stay it, in procession the states began their withdrawal from the Union; on the 9th of January, Mississippi, followed on the 10th by Florida, and on the 11th by Alabama. Then five days passed in contemplation, and the question of adjustment by Congress was dealt its death-blow. In the House the Crittenden proposition received but 80 votes, every Republican, 112, voting solidly against it, while in the Senate, by a strict party vote, a substitute was adopted of a distinctly opposite character, and in accord with the Chicago platform. Mr. Lincoln's advice had been heeded: "No step backward" was to be taken by the triumphant partisans. Three days later Georgia withdrew, a week later Louisiana, and Texas on the first day of February. But notwithstanding their action and the callous attitude of the Republicans, hope was still entertained that some overtures might yet be made that would lead to the restoration of the Union. Some thought that were a state convention held by North Carolina that step might promote the action desired. Bragg, who had been averse to such a course, now joined Clingman, Branch, Craige. Thomas

The death  
blow

Cong. Globe,  
Jan. 16,  
1861

Union men  
want a con-  
vention

Ruffin of Goldsboro, and Warren Winslow in a letter urging the Legislature to call a convention. Vance and Smith felt that it was expedient; abating nothing of their purpose to adhere to the Union, they considered that by firm and temperate action a state convention would bring about desirable results. It was in this spirit that Vance wrote a letter published in the Union paper at Raleigh on January 16: "I do not regard the call of a convention as a disunion movement, but as the conducting steel to the lightning-purpled cloud. Firm, temperate, and decided action may save the rights of the State and the Union as well. Nonaction will precipitate us into disunion."

Hamilton,  
15

Much depended on the action of Virginia, and Virginia was opposed to secession and held fast to the Union. On January 19 that state, whose influence was powerful both at the North and at the South, adopted resolutions inviting all of the states to unite in an earnest effort to adjust "the present unhappy controversies." Impressed by the gravity of the situation and hopes of a settlement through Congress being abandoned, as a last resort she appealed to the states and urged the appointment of commissioners to meet at Washington on February 4. Nor was the action without possibility of success. The Union might still be saved.

Virginia  
acts to save  
the Union

President Buchanan, Mr. Douglas, and others had declared that the Northern people, if allowed the opportunity, would adjust the sectional differences; and the withdrawal of the cotton states was not considered irrevocable. Indeed, Jefferson Davis, chief among all the Southern Senators, notwithstanding the secession of Mississippi, lingered in the Senate until January 21, when he received formal official notice of that action; and to the last, he held that if the Crittenden resolutions were adopted, the Southern States should recede from secession.

Cox: Three  
Decades, 67

On reassembling after the holidays, the Assembly of North Carolina realized that it was no longer a mere matter of South Carolina inflammability, that all the states to the South would be involved, while the retention by the United States of forts in the seceded states would possibly lead to

North Caro-  
lina acts



1861

war; and in view of that possibility the Assembly determined to provide arms, to reorganize the militia, and to authorize the enlistment of ten thousand men, to be increased if necessary to twenty thousand more. The vote in the House was 79 to 14. Col. C. C. Tew and Maj. D. H. Hill were appointed to aid the Governor in purchasing the arms.

Commissioners were sent by Alabama, Mississippi and Georgia to urge North Carolina to stand with the cotton states. The gentlemen selected for this mission were all native North Carolinians who had attained eminence in their respective states: Samuel Hall, from Georgia; Jacob Thompson, Mississippi; and J. W. Garrott and R. H. Smith, Alabama. These gentlemen were received with respectful consideration by the Legislature and delivered their addresses in the hall of the House.

On the other hand, resolutions were sent to North Carolina by the legislatures of New York, Minnesota, and Michigan. Those from New York were considered with respect; those from Minnesota and Michigan, being of an objectionable tenor, were returned to those states without comment.

And now many of the Union men concurred in the opinion that the question whether there should be a convention or not ought to be submitted to the people. Despite the earnest opposition of Bedford Brown, a strong Democratic leader, and of D. S. Donnell, the Whig leader, a bill providing for the election of delegates to a convention to meet or not as determined by a majority of the voters and to consider only Federal relations, passed the House on January 24 by a vote of 86 to 27; and on the same day, in the Senate by 37 to 9. Dockery, Dowd, Morehead, Outlaw, Ramsey, Sharpe, Spence, Turner and Jonathan Worth still holding out against it, and Holden powerfully pressing in the *Standard* the "watch-and-wait" policy.

Contemporaneously with this action the Legislature responded to the invitation of Virginia and appointed commissioners to the National Peace Conference, selecting men of the highest character and influence: Chief Justice Ruffin, Governor Reid, Governor Morehead, D. M. Barringer, and George Davis. At the same time commissioners were ap-

House Journal, 375

Peace commissioners

pointed for the purpose of consulting with the seceded states upon our common peace, honor and safety, the Honorable David L. Swain, M. W. Ransom, and John L. Bridgers. These were sent to Montgomery. Of all these commissioners, Barringer and Bridgers alone could be regarded as favoring secession, the others being decidedly opposed to it.

#### **The situation not to be disturbed**

In the meantime it appears that there was an agreement entered into that the situation in regard to the forts in the seceded states should not be disturbed.

Report of  
Capt. Adams,  
April 1



## CHAPTER XXXVI

### THE SOUTHERN CONFEDERACY

The Southern Confederacy.—The Peace Conference.—The proposed amendment submitted to Congress.—Republican purposes.—“No step backward.”—But Congress proposed a settlement.—In the State.—Holden’s policy “watch and wait.”—The appeal to Lincoln.—The conditional submissionists.—The States’ Rights men.—The Unionists.—The result of the voting.—Adverse to secession.—George Davis.—Ruffin.—Secession meeting at Goldsboro.—Union meetings.—The westward movement.—Greater at the North than in North Carolina.—The influence of the foreign element at the North.

#### President Davis

Feb. 4, 1861

The fourth of February witnessed the assembling of the Peace Conference at Washington, and also the assembling of the delegates from the seceded states at Montgomery where initial proceedings were taken to form the Southern Confederacy. When Swain and the other North Carolina commissioners reached Montgomery they found the delegates in convention perfecting a provisional constitution. They were invited to participate, but declined. The Constitution having been agreed on, on the 9th the convention chose for President of the Confederate States Jefferson Davis and for Vice-President, Alexander Stephens. Neither of these had been urgent in precipitating secession, while both could well have entertained expectations of the highest honors in the United States. Mr. Davis had sought to arrest the secession movement by his appeals to the North to make an adjustment; and Mr. Stephens had strenuously opposed until the last minute the secession of Georgia. Their selection commanded the respect of all the South.

#### The Peace Conference

Simultaneously with the convention at Montgomery the commissioners of twenty-one states assembled at Washing-

ton, charged with the high duty of seeking some basis for the preservation of the American Union. Already seven states had withdrawn, and although the border states still remained in the Union, Kentucky had said that she would stand by the South, Missouri had called a convention and North Carolina had submitted the call for a convention to the popular vote, and disunion sentiment was growing. But Virginia, firm for the Union, had called a convention with the hope of effecting a peaceful settlement and bringing the other states back. However, civil war between the North and the South was imminent. Never had such a crisis come in the affairs of the American people. The Continental Congress in declaring for independence put at hazard the lives and fortunes of only a part of three millions of citizens; here were involved many millions who had enjoyed great happiness and prosperity in the Union and sincerely regretted being driven from it by the intolerant North.

All the states were represented in the Peace Conference save the seven seceded states, and California and Oregon, possibly too remote, and the fiercely Republican states of Iowa, Michigan, Minnesota and Wisconsin. These alone did not care to participate. The conference sat with closed doors. The first private citizen of the Union, Ex-President Tyler, whose heart was bound up in the Union, was chosen to preside. "What is a party," he exclaimed, "when compared with the task of rescuing one's country from danger?" A committee of one from each state was appointed to consider all propositions.

Tyler pre-  
sides

At the outset Salmon P. Chase of Ohio negatived the idea that the Northern people would make any concession. He declared that "the election must be regarded as a triumph of principle cherished in the hearts of the people of the free states."

The North  
firm

Stephens,  
II, 46

Nine days passed with no report, and then on the tenth day the committee reported a proposition for a constitutional amendment composed of seven sections. It was thought that the proposition as a whole was more favorable to the North than the Crittenden resolutions. Days were



passed in discussion; and it was not until towards the close of the month that the resolutions were adopted. On the 27th George Davis telegraphed: "The convention has just adjourned sine die, after passing seven articles of the report of the committee, much weakened. The territorial article passed by a majority of one vote. North Carolina and Virginia voted against every article but one." The vote was by states, each state having a single vote, which was cast by the majority of its delegates. Davis, Reid and Barringer determined the action of the North Carolina delegation, Ruffin and Morehead being in the minority. These were willing to agree to the propositions offered, not because they were satisfactory, but to prevent war. The proposed constitutional amendment was reported to the Senate on the 28th, and various propositions were made in respect to it, but they were not considered by the Senate nor voted on. The Republicans still adhered to Lincoln's purpose—"no step backward." Their temper was averse to conciliation. In the flush of their newly-acquired power they were not disposed to remove the causes of apprehension that had led to secession. Chandler of Michigan gave voice to the sentiment of the extremists when he declared in the Senate: "No concession; no compromise; ay, give us strife, even blood, before yielding to the demands of traitorous insolence." At length, in the closing hours of Congress, near midnight of Sunday, March 3, Senator Pugh of Ohio made a speech of great power in which he declared that the Crittenden resolutions had been petitioned for by a larger number of electors than any other proposition ever before Congress, "and I believe in my heart that it would carry an overwhelming majority of the people of my state and of nearly every other state in the Union. . . . At any time before the first of January a two-thirds vote for the Crittenden resolutions in this chamber would have saved every state in the Union but South Carolina. Yet, sir, it has been staved off, staved off, and where is it tonight?"

Actions of  
the con-  
ference

Chandler's  
animus

Pugh

### Congress proposes a settlement

However, on March 2, Congress passed a resolution proposing an amendment to the Constitution to be ratified by three-fourths of the legislatures, "that no amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state," and President Buchanan approved it as he was about to leave the White House. This amendment if adopted by the Northern States would doubtless have removed the apprehensions of the slaveholding states. The border states would have no cause to withdraw and the Union sentiment in the cotton states would have certainly led to their speedy return. For this desirable result to come as Congress proposed certainly time was necessary. Quiet prevailed. No one had authority to alter the situation that had existed for months. The amendment, however, was not submitted to the states, and within a month Mr. Lincoln took such action as to close the door to all pacific measures.

March, 1861

The amendment

Lincoln

### In the State

In the State for a time all eyes were turned in expectancy on the Peace Conference, with no fulfillment of hope. Meanwhile, a heated canvass was being made in every county. The convention issue was of momentous importance, stirring the depths of patriotic manhood. Those who favored the convention, who advocated taking a stand with the Southern States, were hotly denounced as Disunionists; those who opposed it, who still hoped to rescue the State from impending war and to perpetuate the advantages of the Union, were stigmatized as Submissionists. Personalities entered into every debate and rancor was high. It was well that the campaign was short. Toward its close, on the 25th, the Assembly adjourned and the members hurried home to vote.

Feb. 25, 1861

The Democrats were far from being united; nor were the Whigs entirely so. Governor Bragg, the most illus-

Bragg



trious Democrat of that period, was quiet. He feared that in case of war the South would not be able to sustain herself and he was unwilling to advocate a course that boded defeat and calamity.

Holden

W. W. Holden, the leading Democratic editor, had supported Douglas and now opposed secession and advocated the policy of "watch and wait." Towards the west Bedford Brown, Judge Dick, John Hill of Stokes, the leading Democrat of his section, David S. Reid and I. C. McDowell of Burke; and at the east, Judge George Howard and John C. Washington of Lenoir were but representatives of hundreds of strong Democrats who opposed secession. But a considerable number of Whigs, like Judge Osborne, Colonel Johnston, Paul Cameron and Matt. W. Ransom had abandoned the Whig party, and some of these were now ardent States' Rights Democrats.

Divisions

The public men

Among the active, forceful Secessionists were W. W. Avery, W. S. Ashe, Victor C. Barringer, the venerable Weldon Edwards, Samuel Person and Abraham Venable. On the whole, the office holders, the public men, were less demonstrative than men of substance not in political life. The ordinary citizen was more pronounced than the politician.

B. F. Moore, held in high esteem for his ability and character, wrote: "I would not impress upon you that the South has no cause of complaint. She has many; but if for such a cause a people may quit their allegiance there can be no durable Union." With him the Union was of the first consideration; and along with him stood Governor Graham, Judge Mangum, Judge Badger, R. McAden and most of the Whig leaders. But even then there had been divergences, and while some of the Unionists proclaimed that the seceders ought to be "whipped in," others realized that if it came to blows "blood was thicker than water."

### The appeal to Lincoln

It was considered that the cotton states had seceded without sufficient provocation, and that if the other Southern States held aloof it would not be long before the seceding states would find it desirable to return. It was therefore

of the first importance to prevent the secession of the border states. Animated by that purpose, Gilmer, Vance and the other Union members of Congress from those states had formed a committee to wait on Mr. Lincoln, then in Washington, and represent to him that the border states, including North Carolina, Tennessee and Virginia, were devoted to the Union but could not be held should coercion be attempted. They expressed to him the opinion that the secession movement would come to naught if these great states could be kept in the Union."

Lincoln had offered Mr. Gilmer a seat in his Cabinet, and held him in high esteem, and this appeal to him was not without effect. He appeared fully impressed with the wisdom of the views presented and promised that if possible he would avoid the attempt at coercion.

"These Congressmen now informed their people that no force would be attempted; and, if there should be, that they would not hold out longer for the Union." Such was substantially the position of those who were classed as "Conditional Submissionists" in the election.

Dowd:  
Vance, 440

The position of the States' Rights men was virtually stated by Bryan Grimes, in an address to the voters of Pitt County: "No man," said Mr. Grimes, "more ardently desires the preservation and perpetuation of this Union than myself, but I ask for the Constitution at the same time. I wish for the Union as it was formed by our forefathers and handed down by them to us; but I ask for no Union when we cannot have our constitutional rights at the same time. A fanatical spirit, hostile to the institutions of the South, pervades the whole Northern population; their newspapers are burdened with it, and in fact, it pervades their entire literature. You hear it in their prayer meetings and taught in their Sunday schools, and it is preached from the pulpit. Corrupt politicians and fanatical preachers have united in an unholy alliance, and the control of the Northern state legislatures has passed into their hands. . . . In the first place, let us demand and insist upon a final and just settlement of this bone of contention, or upon a final and eternal separation between the North and the South."

View of the  
Secessionists



The chief argument made by the Unionists was that the Federal government would never assent to the secession of the states and would coerce them to return; and that a war would follow secession. This the Democrats generally denied. The inhabitants of the North were nearly evenly divided between the Abolitionists and Democrats, most of the latter being averse to the war, while some of the former agreed with the sentiments of Horace Greeley, the editor of the *Tribune*, "Let the erring sisters go in peace."

### **The "Conditional Submissionists"**

So it did not appear that war would necessarily result; and, in controverting the argument of the Unionists, some sanguine Democrats challenged their logic by asserting that they could wipe up with a pocket handkerchief all the blood that would be shed.

The attitude of the "Conditional Submissionists" was more nearly the temper of the people than that of either extreme. They were impressed with the "watch-and-wait" policy advocated by Editor Holden. Although there were strong and inflammatory addresses made in every part of every county, when the election was held one-sixth of the voters refused to participate in the decision. Discontented at the turn of affairs, still uncertain what the result of the Peace Conference would be, they would by no act of theirs hurry the State into war, nor yet take the responsibility of deciding that nothing should be done. They were passive, although not indifferent.

### **The voting**

Of those who voted, in many counties a majority held the middle course, and twenty-two "Conditional Submissionists" were chosen delegates—conservative men, who would not despair of the Republic, and yet purposed to stand for Southern rights to the last extremity if the bitter alternative should really be presented. As between the Secessionists and Submissionists there was but little inequality—forty-six of the former and fifty-two of the latter being chosen delegates, and the vote standing 46,672 for the con-

vention, which represented Disunion, and 47,333 against the convention, being the Union side of the issue. The returns came in slowly and the result was long in doubt. With varying hopes and fears, day by day, the public scanned the returns with the greatest anxiety. The destiny of the State hung trembling in the balance. It was not until the middle of March that, finally, it was ascertained that by a hair's breadth the State had escaped secession. North Carolina had refused to secede. It was a heart-rending disappointment to the Secessionists; but strengthened by the failure of the Peace Conference, they at once began a campaign to reverse that judgment.

### George Davis's report

On the adjournment of the Peace Conference, George Davis, having returned to his home at Wilmington, was requested by the people to address them and at once complied. He declared that he had gone to the conference to exhaust every honorable means to obtain a fair, an honorable and final settlement, and has been unsuccessful. "The South could never, never obtain any better terms while she remained in the Union, and for my part I could never assent to the terms contained in the report as in accordance with the honor or interests of the South." The address was a masterpiece of oratory. The people were profoundly moved, and the whole Cape Fear region became united in the belief that there was no hope of securing the rights of North Carolina in the Union. By that address Mr. Davis separated himself from his former Whig associates.

*Chronicles  
of the Cape  
Fear, 222*

The venerable Chief Justice Ruffin had accepted the trust with the purpose of preventing the severance of the Union, if possible. He urged compromise, concession, conciliation. Nor did he confine his efforts to the members of the conference. General Scott, then of great influence, had been his fellow law student, and Judge Ruffin urged upon those who had relations with the administration that there should be an amicable arrangement. Both General Scott and President Buchanan have put on record that if Judge Ruffin had prevailed, the war would have been avoided.

*Biog., Hist.  
V, 357*



Gilmer's  
view

On the adjournment of the conference Judge Ruffin retired to his farm at Haw River, a sorrowful observer of passing events. Not so with John A. Gilmer, perhaps the most devoted Union man in the State. On his return after the adjournment of Congress and the inauguration of Mr. Lincoln, he fully entertained the belief that there would be no war, that the Union men would control North Carolina and all the border states, and that eventually the seceding states might return. In any event North Carolina would remain in the Union. To him and to the Unionists in the State President Lincoln's inaugural admitted that expectation. The bitter campaign of February with the defeat of the Secessionists had therefore not been without its reward: North Carolina was safely fixed in the Union; and Time, the healer, would assuage Southern passions and would bring reconciliation. Animated by such sentiments, Mr. Gilmer in continuous public addresses pressed his views on his constituents.

The Golds-  
boro con-  
vention

But the Secessionists were of a different mind. Defeated by the vote cast at the February election, they were not dismayed, and secession rallyings were held at different points, culminating in a great State convention at Goldsboro, in the last week in March, which continued in session several days. Twenty-five counties were represented by a thousand delegates, embracing many men of influence. The convention was presided over by the venerable Weldon N. Edwards, and was addressed by distinguished speakers, among them Franklin J. Moses of South Carolina, and Edmund Ruffin, the agriculturist, of Virginia. And so far as the tone of the press was indicative of popular feeling, the Secessionists were making headway, for twenty-eight papers were now advocating secession to fourteen in opposition. Among the former were five Whig and three Independent papers; among the latter were the *Standard* and the *Banner*, both of Raleigh, Democratic, and the others all Whig. But the Secession papers were mostly on the seaboard and along the South Carolina line, while the central and western counties

The press

Whitaker,  
23

and those along the Virginia border apparently remained fixed in their stand for the Union.

To counteract this movement, Union meetings were held in various parts of the State, in which the Secessionists were roundly denounced as traitors. One, at Graham, largely attended, was addressed in a fierce philippic by Rufus Y. McAden; and at many points there were similar meetings, the Unionists being active and resolved to maintain North Carolina in line with the border states. At every court the opponents of secession addressed the people.

The Union-  
ists

### Relative emigration

The emigration from the South Atlantic States was very harmful to them; but it was a natural movement from the seaboard to the western country. According to the census of 1860, of those then enumerated born in Vermont, 42 per cent were living in other states; of those born in South Carolina, 40 per cent; of those born in Connecticut, 33 per cent; born in Rhode Island, 30 per cent, in North Carolina, 30 per cent; born in Virginia, 28 per cent; New York, 24 per cent; Massachusetts, 23 per cent; and Pennsylvania, 21 per cent. One-third of those born in Connecticut had moved west, while not one-third of those born in North Carolina had moved away. Then of those born in the Southern States and enumerated in other states a large proportion were negro slaves; and making a reasonable deduction on that account, and confining the figures to whites alone, it would appear that the tide of emigration westward was much stronger at the North than at the South; yet it is to be observed that the South Atlantic States can claim the credit of giving to the Union the other southern commonwealths that owed nothing to settlers from European countries.

### The influence of foreigners

There was an inappreciable number of foreigners in the seceded states, while of the four millions in other states, Mas-

Census  
tables, 1860



sachusetts, New York, Michigan, Rhode Island, Minnesota and Wisconsin had the greatest proportion; indeed the population of the last two states was more than one-third foreigners. These people, familiar with European nationalities, probably had no proper idea of the Constitutional Union "between" the American states, and they constituted an influence sustaining Mr. Lincoln's unconstitutional views and fomenting discord among the Americans, and they added considerable strength to the war party at the North.

## CHAPTER XXXVII

### THE WAR PARTY

The incoming administration.—Inaugural.—Lincoln's view of secession.—All ordinances null.—Troops to be withdrawn.—Southern commissions not recognized.—Seward strong for peace.—War party develops.—Lincoln reverses his policy.—Senate adjourns.—Secret orders issued.—Meigs to Seward.—Interview with Baldwin.—Meeting of Governors.—Botts.—Seward urges peace between the states.—The curt reply.—General Scott's orders.—Not obeyed by Adams, as meaning war.—Secretary of Navy orders obedience.—The secret expeditions sail.—Governor Pickens advised.—Major Anderson's heart not in the war.—The *Powhatan* stopped by the *Wyandotte*.—Gilmer's letter.

#### At Washington

The incoming administration on the 4th of March, 1861, had to meet the conditions that had confronted President Buchanan. But the old Congress had expired; new representatives fresh from the people could be convened. However, Mr. Lincoln did not look to Congress. In his inaugural he declared that his position had ever been: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so."

March, 1861

Lincoln's  
views

While he said he had no objection to the proposed amendment to the Constitution to the effect that Congress should have no power to interfere with slavery, yet he did not submit it at once to the states for ratification, and soon such conditions arose that it was never more heard of. In regard to secession he said that the people can fix terms for the separation of the states if they choose to do that, but that "the executive as such has nothing to do with it." Apparently, then, time was needed for the states to act on propositions that might lead to the restoration of the broken Union, pursuant to the general policy of the previous administration; or for an agreed separation.



And while Mr. Lincoln proposed to execute the laws, he said, however, "that there need be no bloodshed or violence and there shall be none unless it be forced on the national authority. But all acts of disunion being null, the Union will maintain itself." Still he declared that he would not unnecessarily begin hostilities with the Southern people—that he would have the mails carried through the Southern States as usual.

#### **Mr. Lincoln's basic propositions**

Relative to secession, he later said in his message to Congress at its special session in July: "The states have only the powers reserved to them in the Constitution, no one of them having been a state out of the Union." He based his view on the allegation that "the original states passed into the Union before they cast off British colonial dependence. They were never states outside of the Union, either in substance or in name. No one of our states (except Texas) ever was a sovereignty. The Union is older than any of the states, and in fact it created them as states. No one of them ever had a state constitution independent of the Union." And so on such reasoning he reached the conclusion that the states could not withdraw from the Union. He, therefore, held that "all resolves and ordinances by the states withdrawing from the Union are null and void"; and he proposed to maintain the Constitution and laws "unless my rightful masters, the American people, shall withhold the requisite means or, in some authoritative manner, direct to the contrary."

#### **Sumter to be evacuated**

On March 5, the day after his inauguration, the Cabinet conferred over a letter written by Major Anderson, in command of Fort Sumter, to the effect that the fort could not be reinforced and held. After four days consideration it was resolved by the Cabinet, on the recommendation of General Scott and other military men, to withdraw the garrison as a military necessity: but, to give evidence of the administration's policy to hold the property of the government,

Fort Pickens, at Pensacola, in Florida, was to be provisioned, reinforced and held, and orders were issued for that to be done.

March, 1861

There were many considerations that appealed to men differently: Seward feared a civil war. He was in touch with men devoted to the Union in Virginia and North Carolina, who insisted that those states could be held in the Union unless forced out by civil war, and they pleaded for peace.

John A. Gilmer of North Carolina and W. Summers of Virginia probably stood closer to Mr. Seward than any other Southerners, not Republican. On March 7, Gilmer who had been hurried from Washington by illness in his family, wrote from Greensboro to Seward: "The very best thing that the administration can do will be to frame some excuse to withdraw the troops from all the fortifications in the seceding states. There must be no fighting, or the conservative Union men in the border states of North Carolina, Tennessee, Kentucky, Virginia, Maryland and Delaware, who are at this time largely in the majority, will be swept away in a torrent of madness. Let this crisis pass. Let the Union seem quietly to settle down with the free states and the border slave states. If collision can be avoided, and the most vigilant care must be practiced to that end, Georgia, Alabama, Mississippi, Louisiana, and even Texas will be for returning to the Union. South Carolina will not remain in harmony long in any confederacy. You have a mighty storm to control. If your advice prevails I believe it can pass without further harm. If we can only get clear of the Virginia Convention, we will have passed the most dangerous point immediately ahead of us."

Gilmer's  
Letters

Bancroft:  
Seward, II,  
546

The next day, March 8, he wrote: "The only hope of the Secessionists now is that some sort of collision will be brought about between Federal and state forces in one of the seceding states. I have full confidence that you, in some way, wiser and better than I can devise or suggest, can prevent this. If you can do this, I believe I can say that Virginia can be kept from secession. If the border states can be restrained, Mississippi, Louisiana and Texas will



soon be back. If for any decent excuse the government could withdraw the troops from all the Southern fortifications, the moment this is done, North Carolina, Virginia, Maryland, Kentucky, Tennessee, and I believe Arkansas, are certainly retained. When those states come back, as many of them will, they will come with their fortifications. The present excitement should be allowed to pass away as soon as possible, without fighting."

On March 12, he wrote: "The seceders would give a kingdom for a fight in some of the seceded states. If the administration could yield the forts—it would be a grand movement." He asserted that in less than two years they would be returning. "Louisiana will be first to move, and then all but South Carolina will follow. The great point is to avoid a collision. If this is done the country will become quiet at once and the next step will be the gradual return of the erring states."

Seward

Mr. Seward was also of that mind. Judge Sumner, in his great Union speech before the Virginia Convention, announced, March 11, that the news he had "received that morning removed all doubt about a pacific policy and the evacuation of Sumter. These states must be left to time, to their experiment, to negotiations, to entreaty, to sisterly kindness." The Southern Unionists realized that if war came they would have to take their stand with their kindred at the South, and they had more at stake than any other Unionists.

Diary of a  
Public Man,  
N. A. Re-  
view, 1879

Under date March 11, 1861, it was recorded that "Mr. Lincoln has assured Mr. Douglas positively, he tells me, that he means the fort shall be evacuated as soon as possible and that all his Cabinet are of the same mind, excepting Mr. Blair, which is precisely what I expected."

The commis-  
sioners

About March 12, three commissioners, Mr. Crawford being the leading one, sent by the Confederate Government at Montgomery with the purpose to arrange all matters amicably, appeared at Washington and asked for an interview with Mr. Seward. That was refused. There could be no recognition of the Southern Confederacy, or of the seceding states. The Southern tender of amity and friendship was disregarded.

Later, on March 15, Mr. Lincoln requested each member of the Cabinet to give a written opinion on the question: "Under the circumstances is it wise to attempt to provision Fort Sumter now?" Postmaster-General Blair alone positively favored the proposition. It came about that on that day Judge Campbell, of the Supreme Court, had an interview with Mr. Seward, who made representations to Judge Campbell to be communicated to the commissioners on Judge Campbell's own responsibility, to the effect that Fort Sumter would be evacuated, such being the decision of the Cabinet then. Seward expected that the evacuation would be within three days. He also declared that the status at Fort Pickens would not be altered. However, the fort was not evacuated. Fort Sumter not being evacuated, Judge Campbell again called on Mr. Seward, and the latter said "the resolution to evacuate Fort Sumter had been passed and its execution committed to the President, and he did not know why it had not been executed; that there was nothing in the delay that affected the integrity of the promise or denoted an intention not to comply. The status of Pickens would not be 'altered.'" It was, however, publicly announced that the troops would be withdrawn. In the meantime there was some diversity of opinion manifested among the leading men at the North. The proposed evacuation "was a bitter pill." Apparently there was some other consideration and the matter of collecting tariff duties now claimed attention. On March 16, Stanton so wrote to Ex-President Buchanan. And as the days passed it became a question as to what the administration should do.

A formal  
decision

Campbell's  
statement

Connor:  
Life of  
Campbell,  
125-127

Bancroft:  
Seward, II,  
106

The President on the 18th, called for opinions from Bates, Chase, and Wells that indicate that he was considering the use of a naval force to collect duties.

Mr. Seward in an elaborate opinion said: "In either case, it seems to me that we will have inaugurated a civil war by our own act, without an adequate object, after which reunion will be hopeless. . . . Fraternity is the element of union: war is the very element of disunion. . . . I would not provoke war in any way now." That purpose then seems to have been abandoned; but still the difference

Ibid., 100

Ibid., 123



March, 1861

between the tariffs of the Montgomery government and the Washington government gave concern.

Request of  
the Senate  
denied

The Senate had been convened, as customary, in special session, and the political situation was much discussed. There were Senators, Douglas and others, who favored recognizing what had taken place and urged the withdrawal from all points in the seceded states, on the ground that any fort in a seceded state appertained to the state on whose territory it was. But the Senate took no action other than to ask, on March 25, that the President communicate the dispatches sent by Major Anderson at Fort Sumter. This the President declined to do. He proposed to act on his own responsibility.

Connor:  
Campbell,  
124

When it was publicly announced that Fort Sumter was to be evacuated the peace men rejoiced. But opposition developed. Thurlow Weed wrote that he was "sure he could have made a better arrangement with the commissioners; that they would have been willing to allow Major Anderson's force to remain in the fort without molestation, to purchase supplies in Charleston"; and Mr. Weed "regretted that he had left Washington before something had been concluded."

### The successive steps

The third  
meetingConnor:  
Campbell,  
127The war  
party

Immediately after the Senate had adjourned the President, on the 29th, again called for written opinions. Chase, Blair and Wells agreed that Fort Sumter should be relieved. Bates was noncommittal. Smith alone stood with Seward. Seward advised: "I would instruct Major Anderson to retire from Sumter forthwith," but he proposed that Fort Pickens at Pensacola should be held, and on March 29, the *Tribune* announced that an expedition was being prepared to relieve Fort Pickens. But the war party daily became more clamorous. Realizing what economic and financial advantages accrued to the North from the Union with the Southern States, some held that without regard to the rights of any state, or of the Constitution, the powerful North should enforce Union.

The New York *Times* of March 30, said: "With us it is no longer an abstract question, one of constitutional construction, or reserved or delegated powers of the states to the Federal government, but of material existence and moral position both at home and abroad." The interests of the North were superior to right.

Bancroft:  
Seward, II,  
123

Edward M. Stanton, in a letter to Buchanan, said: "I have no doubt that he (Seward) believed Fort Sumter would be evacuated, as he stated it would be. But the war party overruled him . . ."

Curtis:  
Buchanan  
II, 459

### The President yields

On March 29 the President directed, by secret order, the preparation of an expedition by the War Department, to be ready by April 6. The *Pocahontas*, *Pawnee*, *Harriet Lane* and the *Powhatan* were to be ready; the *Powhatan* by Friday. This secret expedition was to provision and hold Sumter.

Connor:  
Campbell,  
141

Perhaps the better to veil the operation, such dispatches as the following were sent. The Washington dispatch to the New York *Herald*, March 30, was: "All the Cabinet officers, except General Cameron, who is absent, have been in consultation with the President today. The preliminaries for the evacuation of Fort Sumter are going on and will be effected. The Charlestonians are so anxious to know when the fort is to be evacuated that dispatches were received here today to know when Colonel Lamon will return there. The final order for evacuation will undoubtedly be conveyed by an army officer."

Navy operations,  
Series I, Vol. IV,  
227

There were about that time in Washington the governors of nine of the Northern States, especially under the control of tariff interests, and these men brought all their pressure to bear on Mr. Lincoln, offering him men and money for the purpose of conducting hostile operations.

Crawford:  
Fort Sumter

Bancroft:  
Seward

N. Y. World,  
April 5

In addition to the tariff interests involved there was also a suggestion that some of those governors urged that a war would put the Democrats in their states, who would be sympathetic with their former Democratic associates at the

Richmond  
Ex., April 10



Washington  
News Letter

South, at a political disadvantage that would secure their own ascendancy in their respective states.

Baldwin's  
reply to  
Botts

Judge Campbell having again called on Mr. Seward to explain the delay in evacuating Sumter, on April 1, Seward handed Judge Campbell a writing to the effect that the President may desire to supply Fort Sumter, but will not undertake to do it without first giving notice to Governor Pickens.

N. Y. Times,  
March 30

### Seward's proposition

Schurz's  
Lincoln,  
67-73

The changed attitude of the President profoundly moved Mr. Seward, who, animated by a sincere desire to maintain peace with the Southern people, handed a memorandum to the President, urging a formal announcement of a policy for the preservation of the Union, eliminating the question of slavery; and that the matter of holding the forts should be decided with a view to preserving the Union; and that a vigorous foreign policy should be pursued that might lead to war with France or Spain, and demanding explanation from Great Britain and Russia; and the American spirit of independence be aroused. He was for some war, if necessary, with another nation and a settlement of our own troubles with renewed Union as the basis. The patriotism and humanity of Seward, who was experienced in public affairs and ardently wished for a restoration of the broken Union, led to a sharp rebuff.

Fred  
Seward's  
Reminis-  
cences  
Bancroft's  
Seward

The President said that his policy was expressed in his inaugural and if there was to be any change, he would himself make the change. Indeed, curt was the reply, that the responsibility was with the President. Nevertheless, Mr. Seward at once called on Spain for an explanation in regard to her acts in San Domingo. Then a secret expedition to reinforce Fort Pickens was approved.

April, 1861

It now appears that at that time a conference was held in the office of the President at which measures were agreed upon that the participants understood would lead to war. Among those present apparently was Captain Meigs of the U. S. Engineers.

The confer-  
ence

Army  
Records,  
Vol. I, 368

On April 6 Captain Meigs wrote Seward: "Within less than six days from the time the subject was broached in the

office of the President a war steamer sails from this port, and the *Atlantic* will follow this afternoon with 500 troops, etc., and the *Illinois* on Monday. This is the beginning of the war which every statesman and every officer has foreseen." At sea he wrote again: "The dispatch and the secrecy with which this expedition has been fitted out will strike terror into the ranks of rebellion." The *Atlantic* was a Collins Liner chartered for this expedition.

The war  
begins

The *Atlantic*

Contemporaneously, on April 1, the President ordered Col. Harry Brown, U. S. Army, to take command of an army expedition to reinforce Fort Pickens. Captain Meigs was to accompany it. No one was to know the object of the expedition. The movement was unknown to the public.

Army  
Records,  
Series I,  
Vol. I, 368

On that day also the President ordered Lieutenant Porter, United States Navy, to take the *Powhatan* on a secret mission; and he also directed the commandant of the navy yard at New York to fit for sea the *Powhatan*, "bound on secret service, and you will, under no circumstances, communicate to the Navy Department the fact that she is fitting out."

The  
*Powhatan*

The President was now acting personally. He gave the orders himself. The Navy Department was not to be informed. His action was doubtless in pursuance of the plan considered and arranged in his office. These secret expeditions ordered April 1 were for Fort Pickens, that on March 29 by the Navy was for Sumter.

The name of the *Atlantic* had been "painted out." She was now a "nameless vessel." And Meigs wrote to Seward at sea: "The nameless vessel speeds out of the track of commerce, mysterious, unseen—where will the bolt fall?" He and Colonel Brown alone on the steamer knew the destination, and she carried five hundred soldiers and munitions.

### The situation

Having started measures that would lead to war, on the 2d of April, Mr. Lincoln bethought himself of the trouble Virginia might give him under changed conditions. The situation at the South was that North Carolina, Virginia, Tennessee, Arkansas and the border states were adhering to the Union, but the Virginia Convention that had been convened

April 2



in February still remained in session, a large majority of the members, however, being Union men and opposed to secession. Indeed, the great desire in the border states was that measures should be taken to bring the seceded states into the Union; for otherwise their own position in the Union would be such that they would be at the mercy of the Northern States, that could then alter the Constitution at their pleasure. The situation, therefore, was the cause of particular anxiety to the Union men of Virginia. Mr. Lincoln now desired that the Virginia Convention should adjourn. He, therefore, on Tuesday, April 2, dispatched a messenger, Allan Magruder, to Richmond requesting Judge Summers, an influential Union man, to come to Washington, and if he could not come himself, to send some one else. Mr. Lincoln said: "Let him come by Friday." John A. Baldwin came, a man of high character, large intelligence and of influence. There was no delay. Baldwin and Magruder reached Washington on Thursday and at once called on Mr. Lincoln. Mr. Lincoln asked, "Baldwin, why do you not adjourn your convention? It is a menace to me."

Baldwin urged a conference of the states saying that while Mr. Lincoln "had the right to ignore secession and hold the forts, yet he should make a concession of a disputed right in the interest of peace, and leave all questions to be settled by the conference of the states." Mr. Lincoln mentioned "the possible withdrawal of troops from Sumter as a military necessity," but that did not go to the root of the matter; it left the great question unsettled. Mr. Lincoln then asked: "What about the collection of duties?" Baldwin said "the amount of duties would not be a drop in the bucket compared to the cost of the war. . . . The only way you can manage is to withdraw from them the only means of striking a blow until time for reflection, time for influence to be brought to bear, can be gained, and thus settle the matter. If you do not take this course, if a gun is fired at Sumter, I do not care on which side it is fired, the opportunity for settlement is lost. Virginia herself, as strong as the Union majority now is, will be out in forty-eight hours." He urged the President to call a national convention to settle the matter.

Mr. Lincoln asked: "But what am I to do with those men at Montgomery?" Baldwin answered—"Let them alone until they can be peacefully brought back." But Mr. Lincoln was now influenced because of the tariff—and with that in his mind said: "And open Charleston as a port of entry with their ten per cent tariff? What then would become of my tariff?"

So. History  
Papers, Vol.  
I, 443,  
IX, 88

Letters and  
Times of  
Tyler, 637,  
638

Goodwin:  
Davis, 137

General Crawford says: "The evidence of some movement upon the part of the government was now so manifest as to induce the general belief that a vigorous policy had been determined upon, which pointed with official accuracy to Forts Sumter and Pickens. The concourse of nine governors of Northern States in Washington gave strength to the report which the unexplained movements of vessels of war and transports seem to confirm."

Stephens,  
608, 609

Genesis of  
the Civil  
War, 339

"During the first week in April it became apparent to persons in Washington that some important decision in regard to questions relative to the seceding states had taken place. The troops which had been collected there were removed; rumors among naval officers of movements of vessels of war were current. There had been an unusual concourse of politicians there, and the tone of one party became more menacing and of the other more anxious and despondent." These troops were to go on the several expeditions.

Connor:  
Campbell,  
129

Mr. Baldwin subsequently wrote: "While at the White House, I saw and was introduced to a number of governors of Northern States. It was at a time these governors, nine in number, had come to confer with the President, a time when there was an immense outside pressure brought to bear on him and designed to control his course."

Likewise Magruder wrote: "It is well known that a preconcerted meeting of these governors was held at this time at Washington. The number of states represented has been variously stated as seven and nine. It seems certain that Pennsylvania, Ohio, Illinois, Indiana, Wisconsin and Michigan were all represented. The urgent appeals and the promises of aid and support in the program marked out for Mr. Lincoln by the Northern governors already re-

Atlantic  
Monthly,  
April, 1875,  
p. 445

Rhodes, III,  
346

N. Y. Herald  
April 5



N. Y. World  
April 5

ferred to whose warlike spirit was intensified by the attrition of personal association in Washington in this crisis, proved too strong to be resisted and the pressure they exercised upon Mr. Lincoln sufficed to defeat the policy supported by Mr. Baldwin and the Virginia Convention."

Richmond  
Examiner,  
April 10

A news letter from Washington, said April 7: "Much wild talk and guessing had been occasioned by the visits of half a dozen governors of Northern States to this place.

So. Atlantic  
Quarterly,  
April, 1914,  
p. 260

. . . Some knowing gossipers claim that they came here to consult with the President as to the expediency of recommending tenders of men and means by the legislatures of the respective states they represent."

The Great  
Rebellion,  
196

Two days after this interview with Baldwin John Minor Botts, a strong Union man of Virginia, was with Mr. Lincoln Sunday night. In the course of their conversation, Mr. Lincoln said he had offered to Mr. Baldwin that if the Virginia Convention would adjourn he would evacuate Fort Sumter. Thereupon Botts asked Mr. Lincoln: "Will you authorize me to make that proposition? I have no doubt the Union men will accept it." To which Mr. Lincoln replied: "It is too late now; the fleet sailed on Friday evening."

### Incidents

Whether or not the influence of the governors was exerted to institute a war in order to secure their own ascendancy in their respective states, about the first of April, Mr. Lincoln determined on war and discarded Mr. Seward's peace program.

The Presi-  
dent's order

The Navy Department, being ignorant of the orders by the President assigning the *Powhatan* to Lieutenant Porter, ordered that vessel to Charleston, to arrive there on the morning of the 11th; and the object of the expedition for Fort Sumter rendering the expedition to Pensacola unnecessary, Seward now wired Porter to give up that vessel to Captain Mercer for Charleston. Porter, when he received this order, replied: "I received my orders from the President and shall proceed to execute them," and, having already sailed, he continued on his way to Pensacola.

On March 12, General Scott had issued an order for Lieutenant Vogdes to land from the steamer *Brooklyn* his company of artillery and reinforce Pickens. This order was not received until April 1, and when informed of it, Captain Adams, in command of the naval forces at Pensacola, declined to carry it into effect. On that date he wrote his report to the Secretary of the Navy that because of the armistice agreement he could not obey General Scott's order. "It would be considered not only a declaration but an act of war. . . . At present both sides are faithfully observing the agreement entered into by the United States Government with Mr. Mallory and Colonel Chase. This agreement binds us not to reinforce Fort Pickens unless it shall be attacked or threatened. It binds them not to attack it unless we shall attempt to reinforce it. . . . Under General Scott's order, I cannot take on myself the fearful responsibility of an act which seems to render civil war inevitable." This report, being received on April 6, the Secretary of the Navy replied, regretting that Captain Adams had not obeyed General Scott's order; and then the Secretary, despite the fact that it meant war, directed him on the first favorable opportunity to land the troops.

An act of  
war ordered

Navy  
Records,  
Series I,  
Vol. IV, 110

Ibid., III

Mr. Crawford, one of the Confederate commissioners, having applied to Judge Campbell for a fulfillment of the pledge to evacuate Fort Sumter, or for an explanation, Judge Campbell in his statement said: "On the 7th of April last I addressed Mr. Seward a note, reciting what had taken place, the anxiety of the commissioners and asked an explanation. His reply was: 'Faith fully kept as to Sumter; wait and see.'"

There had been a pledge that there would be no attempt made to supply Fort Sumter without notice to Governor Pickens, so on April 6, the "Secretary of War directed an officer to go to Charleston and read to Governor Pickens a formal notice that the President expects to supply Fort Sumter with provisions only, and if not resisted no effort will be made to throw in provisions, arms or ammunition without further notice." On the same day, Major Anderson received notice of the expedition to Charleston. Immedi-



Major  
Anderson  
against the  
war

Beauregard:  
Roman, 34

Rise and  
Fall of the  
Confederacy,  
284

Bancroft:  
Seward, II,  
143

ately Major Anderson wrote to the Department: "The information surprises me very greatly, contradicting so positively the assurance Mr. Crawford telegraphed he was authorized to make. A movement made now, when the South has been erroneously informed that none such would be made, would produce most disastrous results. I fear its result cannot fail to be disastrous to all concerned. We shall strive to do our duty, though I frankly say that my heart is not in this war, which I see is to be thus commenced. That God will still avert it and cause us by pacific means to maintain our rights is my earnest prayer."

On April 6, James E. Harvey, a friend of Seward, Washington correspondent of the *New York Times*, but a native of Charleston, sent a telegram from Washington to Charleston: "Positively determined not to withdraw Anderson. Supplies go immediately, supported by naval force under Stringham if their landing be resisted. A Friend." Seward gave that information to Harvey and knew that the dispatch was sent. Notwithstanding that information, relying on Seward's statement, the Confederate authorities at Charleston remained quiet; and indeed, says Seward's biographer: "The Confederate leaders fully realized the undesirability of a conflict."

The vessels to reinforce Sumter sailed on the 8th, 9th and 10th, the expedition being under Fox, and the commander of the fleet of navy vessels being Captain Mercer. Fox's orders, given April 4, were first to endeavor to deliver from his transports the subsistence stores, and, if opposed, then for the navy vessels to effect an entrance and place both troops and supplies in Fort Sumter. The rendezvous of the war vessels was to be ten miles east of the Charleston lighthouse on the morning of Wednesday, the 11th of April.

In the meanwhile the *Atlantic*, now nameless, "was steaming outside the tracks of commerce" to her destination, and the *Powhatan* reached the waters of Pensacola. Lieutenant Porter reported that he "had disguised the *Powhatan* so that she deceived those who had known her, and, flying the British flag, was standing in the harbor unnoticed, when the

*Wyandotte* commenced making signals which I did not answer, but stood on. The *Wyandotte* then put herself in my way and, being hailed, I stopped. In two minutes more I would have been inside or sunk." His progress was thus arrested conformably to the armistice.

Navy  
Records,  
Series I,  
Vol. IV, 122

### The country startled

The country, North and South alike, had been advised that Fort Sumter was to be evacuated. The South rejoiced; especially the Union men of the South, and particularly those of North Carolina. Mr. Seward had written of the promise as a pledge. He had on the 7th of April written, "Faith fully kept as to Sumter." Now the country was informed of the situation. The military men all knew that it was to be war; and so feared others. Happy indeed had it been for America and for humanity had the promise of peace ripened into fruition of sectional conciliation, and had Buchanan's horror of imbruing his hands in the blood of his countrymen been shared by his successor.

Gilmer but voiced what was prevalent in the hearts of the Union men of the State in writing to Seward April 11: "I am so deeply distressed that my heart seems to melt within me. I cannot but still believe that the course I suggested would have been wise and the results, had it been pursued, most beneficial. If what I hear is true that we are to have fighting at Sumter or Pickens, it is what the Disunionists have most courted, and I seriously apprehend that it will instantly drive the whole South into secession, and that before the end of another sixty days, at Washington City, there will be a contest that makes me shudder to contemplate. Truly, indeed, may it be said that madness rules the hour."

Madness  
rules the  
hour



## CHAPTER XXXVIII

### THE WAR BEGINS

The war begins.—The bombardment.—The action of the Cabinet.—Congress called to meet in July.—Call on states for troops.—Ellis's reply.—The forts occupied.—Vance.—Gilmer.—Settle.—The Unionists.—Graham.—Ruffin.—Assembly convened.—Volunteers called out.—Col. D. H. Hill.—In the mountains.—Virginia acts.—The action of the states.—The wager of battle between the states.—Justice Grier's opinion.—Mr. Lincoln's message to Congress in July.—His acts not approved.—Originally no war of Congress but of the governors.

#### Fort Sumter

April 11

Notwithstanding the information given by Mr. Lincoln on the 8th, the Confederate authorities waited until the 10th, when they authorized General Beauregard to demand the evacuation of Fort Sumter, and on the 11th they advised General Beauregard: "We do not desire needlessly to bombard Fort Sumter." Major Anderson having declined to evacuate the fort and the Northern fleet being then near, at 4:30 on the morning of April 12 the peaceful stillness of the night was suddenly broken by a signal shell from Fort Johnson's mortar battery, fired by Capt. George S. James, of South Carolina, to whom Lieut. Stephen D. Lee gave the order.

Roman I, 42

A persistent bombardment followed and the fort was reduced, but fortunately without casualties. Charleston was not to have her great fortress, commanding the city and harbor, occupied by a force hostile to the city and State, under a claim of rightful dominion. The relief squadron now approached, but the desired object had been accomplished. A new situation had been created. The flag had been fired upon and the patriotic ardor of the North was aroused. The noble sentiment—our country, right or wrong, our country—was relied on. There was now no dallying. At Washington the President was in readiness. The Assistant Secretary of State has recorded: "President and Cabinet

Fred  
Seward's  
Reminis-  
cences

met. President and Cabinet passed most of the day, Sunday, April 14, in consulting over the grave though not unexpected event, and its far-reaching consequences; nor was there any delusive hope that a small force would suffice. Each of the Cabinet members realized that the contest would be gigantic. It was determined to call for 75,000 men and to call Congress together. Congress would be loyal, but it would be a deliberative body, and to wait for many men of many minds to shape a war policy would be to invite disaster. So it was concluded to call Congress to meet on the fourth of July and to trust to their patriotism to sanction the war measures taken prior to that time by the Executive."

Not unexpected

Congress not to be consulted

Fully aware that under the oath of office the President had no right to engage in war, with no threatened danger of any adverse change in the situation, with Congress recently elected by the people ready to convene, the President deliberately determined to assume the functions of Congress and involve the country in a gigantic war, trusting to the patriotism of Congress to sanction his measures. The proclamation was written on Sunday. He called for 75,000 men for operations at the South, assigning a quota to each state. The arrangements doubtless had already been made with the nine governors, the program mapped out, the actors awaiting the signal; the tigers ready to spring; the several steps perfunctory.

The Assistant Secretary of State continues: "Every Governor of a free state promptly promised his quota should be forthcoming. From Virginia came the ominous news that the convention had hastily and secretly reversed its previous decision, had adopted an ordinance of secession and had joined the Confederacy." North Carolina, Tennessee, Kentucky and Missouri all replied to the call for troops: "Not one man will be furnished to carry on so unholy a crusade. . . . Delaware likewise replied in the negative. From Maryland no answer came, but, in August, as the Legislature was about to assemble, by a secret military coup, the members were all arrested. From New York, Pennsylvania and Massachusetts and Ohio, troops were hurried to Washington."

The replies



**North Carolina's reply**

When on the 15th the President notified Governor Ellis by telegram: "Call made on you by tonight's mail for two regiments of militia for immediate service," Governor Ellis immediately replied: "I regard the levy of troops made by the administration for the purpose of subjugating the states of the South as in violation of the Constitution and a usurpation of power. I can be no party to this wicked violation of the law of the country, and to this war upon the liberties of a free people. You can get no troops from North Carolina."

The State  
acts

Realizing that hostilities had begun, Governor Ellis at once telegraphed Col. John L. Cantwell, commander of the militia in the Cape Fear district, to take Forts Caswell and Johnston without delay; and on the morning of the 16th Colonel Cantwell proceeded from Wilmington with the Wilmington Light Infantry, Captain DeRosset, the German Volunteers, Captain Cornehlson, the Wilmington Rifle Guards, Captain Pen Meares, and the Cape Fear Light Artillery, Lieut. James M. Stevenson, and took possession of those forts. Even earlier, on the 11th, without orders, a local company under Captain Pender, had occupied Fort Macon; and now, by direction of the Governor the Orange Guards, the Goldsboro Rifles, the Wilson Light Infantry, and the Guilford Grays hastened to that point. Col. C. C. Tew was appointed to the command, and Captain Guion was selected as engineer to perfect the defenses. There also came speedily Captain Latham with his artillery company to serve the cannon. The Union flag was replaced by what tradition had indicated as the old State flag: the pine tree with a rattlesnake coiled at its foot, with this inscription: "Don't Tread on Me."

Sloan's  
Guilford  
Grays

Vance

The effect of the call to arms was electrical. It immediately changed conditions in North Carolina. Vance in describing it said: "The Union men had every prop knocked from under them and, by stress of their own position, were plunged into the secession movement. For myself, I will say, I was canvassing for the Union with all my strength. I was addressing a large and excited crowd, and literally

had my arm extended upward, pleading for peace and the Union of our fathers when the telegraphic news was announced of the firing on Sumter and the President's call for seventy-five thousand volunteers. When my hand came down from that impassioned gesticulation, it fell slowly and sadly, by the side of a Secessionist. I immediately with altered voice and manner, called upon the assembled multitude to volunteer, not to fight against, but for, South Carolina. I said: "If war is to come, I prefer to be with my own people."

Dowd:  
Vance, 441

Gilmer, who was on good footing with the new administration, and being intimate with Secretary Seward, had been in correspondence with him since March 7, now wrote to him that he had been away from home attending the courts, addressing "crowds of Union men," and that "yesterday (April 20) I heard of the President's proclamation. Soon thereafter I heard that a volunteer company in my own town, among whom was my only son, had been called for by the Governor, and they have gone to Fort Macon. I came home and found my own friends greatly excited. I was too full to address them. I could not rest that night. If I had supposed that the administration would not pursue the policy (or something like it) which I had urged on you, I would have returned to Washington and have gone daily on my knees to it in behalf of my policy, and to avert that shedding of blood which now seems inevitable. . . . All hope is now extinguished."

Gilmer

Bancroft:  
Seward, II,  
549

Judge Howard, who was with Gilmer, while attending his courts, and saw him at his home on the day upon which this letter was written, says that "with deep emotion" he repeated the language quoted; and then added, "We are all one now."

Judge Howard was holding court and Thomas Settle, a Democrat, spoke for the Union. They rode away together. In passing Madison, they heard the news and saw a crowd collected. Settle stopped, rushed to the excited crowd and shouted: "My friends, I was all wrong; we are all one now." A few days later Settle was soliciting volunteers for the war. It was so everywhere. "The argument having

Settle



ceased and the sword being drawn, all classes in the South united as by magic."

Southern  
Unionists

While many Secessionists, relying on the utterances of distinguished Northern men, on their friendly association with the Northern Democrats, on such individual opinions as had been expressed by Greeley and others, and because the right of secession was at least a mooted question, had held that there would be no war, the Union men had believed that peace would be maintained at least as a policy to hold the border states and North Carolina and Tennessee in the Union. To both the inauguration of hostilities was a sad disappointment. The Secessionist faced it with a conviction that his cause was just; but the Unionist felt that Lincoln had forced him to "fight for a cause that was not just."

Throughout  
the land

As the news spread through the country the inhabitants gathered at the courthouses and at the telegraph stations and great excitement, not unmixed with anxiety, prevailed.

Graham

A war of  
conquest

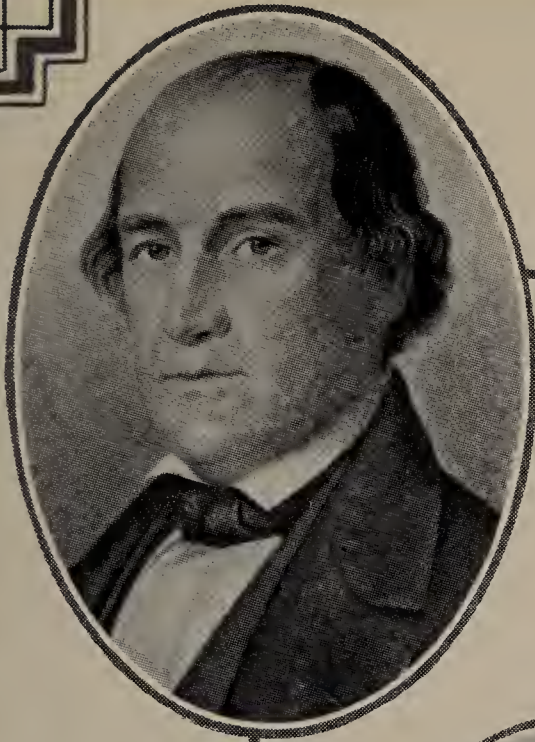
There were many meetings held in the counties. At Hillsboro the meeting was addressed by Judge Ruffin, Governor Graham, and others. Governor Graham said: "But the President gives to the question new alternatives. These are, on the one hand, to join with him in a war of conquest, for it is nothing less, against our brethren of the seceded states, or on the other, resistance to and throwing off the obligations of the Federal Constitution. Of the two, we do not hesitate to accept the latter. Blood is thicker than water."

Ruffin

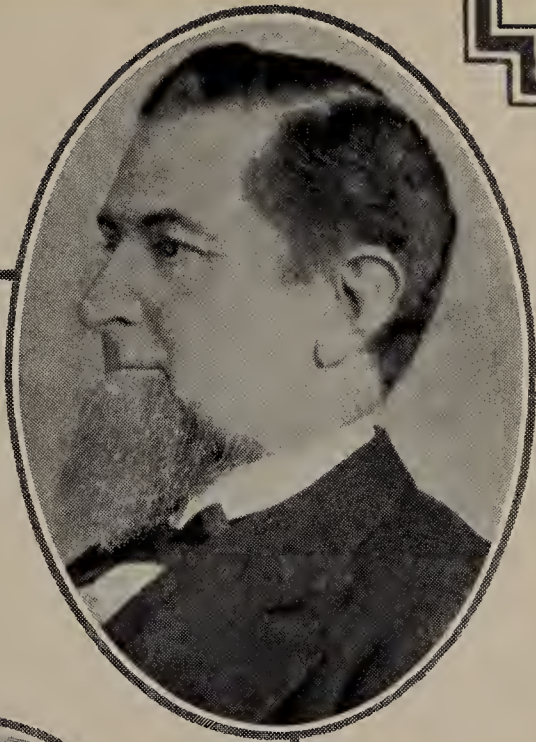
The venerable Chief Justice, who had stood so strenuously for conservatism in the Peace Conference, his whole frame in a quiver of emotion, extended his arms and exclaimed: "I say, fight, fight, fight!" The gage of war had been thrown down, and bravely and with resolution it was accepted.

On Tuesday, the 16th, a great meeting was held at Raleigh, where the Unionists had been so dominant. The underlying thought was that North Carolina had been officially required to send troops to war upon the South. "We are Southern men and North Carolinians, and we are at war with those who are at war with the South and North Caro-

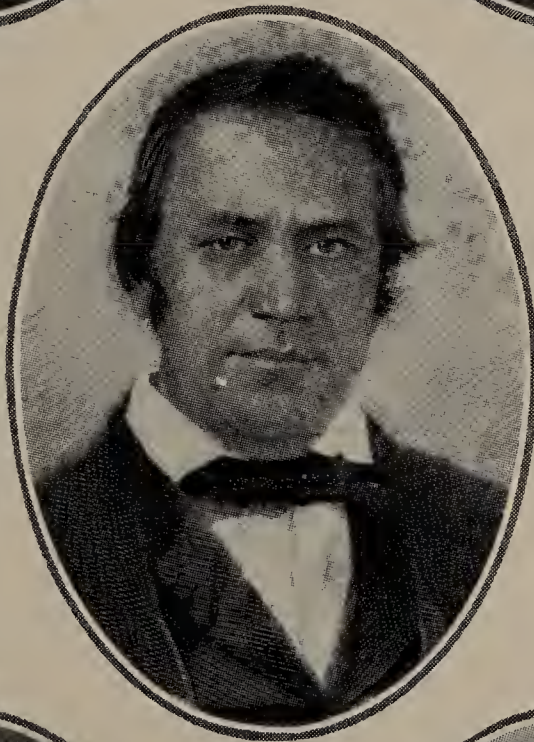




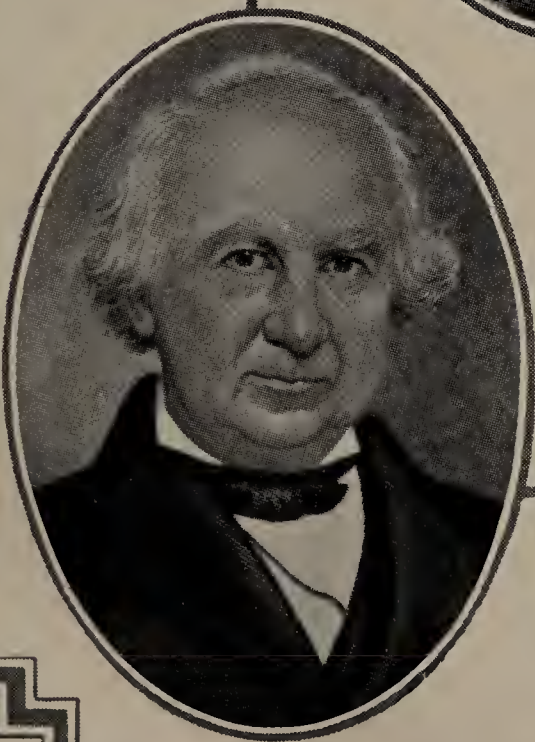
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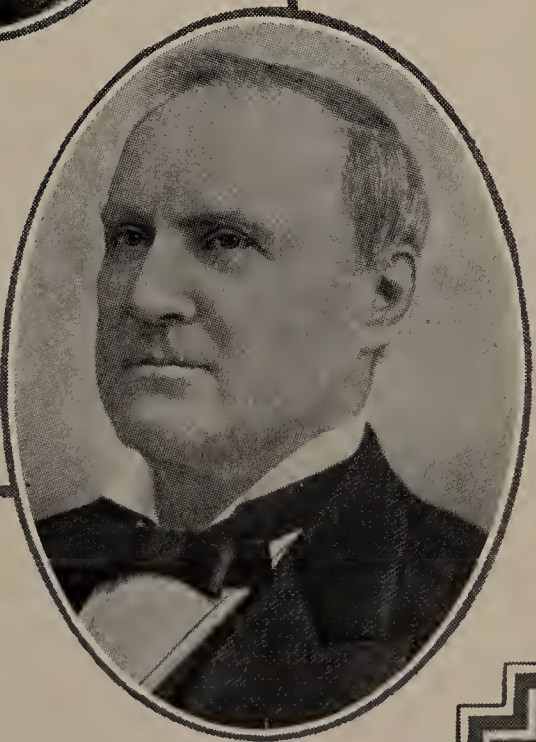
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3



4



5

1. George E. Badger

4. Bartholomew F. Moore

3. John A. Gilmer

2. Thomas Settle

5. Augustus S. Merrimon





lina," was the firm declaration of the leading editors of the Union party.

The resolves adopted called for all proper steps to maintain, secure, and defend the rights of North Carolina as one of the Southern States; and requested the Governor to convene forthwith the General Assembly, and pledged support and adherence "to the government and authorities of the State in such manner as may be deemed necessary to be taken to assert our rights and defend our soil." Animated by the spirit that pervaded every breast in the State, Governor Ellis on the 17th, responded to these resolutions by issuing a proclamation convening the General Assembly in special session to meet on May 1, and called for thirty thousand volunteers, the full number authorized by the last Assembly. On the same day responses came from the companies already formed. Some were ordered to join those at the forts, and others were directed to repair to a camp of instruction established near Raleigh, of which Colonel Daniel H. Hill was appointed to the command, and drill masters were selected from the cadets at the military schools. The military spirit was now fully aroused and a war fever took possession of the people. Companies were formed in every part of the State, all citizens acting in harmony. The first company organized in Buncombe, the Rifles, under Capt. W. W. McDowell, was quickly followed by Capt. Zeb Vance's Rough and Ready Guards, and sons of John A. Gilmer and of William A. Graham went with the first companies to seize Fort Macon. It was the same everywhere. Whigs and Democrats forgot their differences and vied with each other in patriotic ardor.

The feeling that prevailed in the mountains was portrayed by J. D. Allen, a young man who came at that time to Asheville from Salisbury. He was for the Union and, later, shaking the dust of North Carolina from his feet, he proceeded farther west and enlisted in the Tenth Illinois Cavalry. On his arrival at Asheville he wrote, April 28: "There were two military companies here some time ago—the Buncombe Rifles and a light horse company of volunteers. On Saturday, the 20th, the citizens of Buncombe County held a meeting and organized a company of volun-

The Raleigh  
meeting

Ellis acts

Whigs and  
Democrats  
at one

In the  
mountains

Letters of a  
soldier



teers, called the Rough and Ready Guards, which number about 80 men. The Hon. Z. B. Vance has also organized a company of 100 men. Since these companies were organized they have been drilled twice a day and once at night. They drilled this evening for the first time on Sunday. The riflemen have been called out by the Governor and will leave tomorrow. They go from here to Raleigh. All the Union men here have become Secessionists, and the flag of the Southern Confederacy floats in triumph over this place. In East Tennessee many will stick to the Union; among them Parson Brownlow and Andy Johnson, one of the most prominent men. The people here held a meeting on Sunday last and appointed another one Monday for the purpose of getting more volunteers. Then they sent men all over the country to notify the people. A few days ago there were five companies of volunteers quartered in town, numbering over 450 men. On yesterday the Madison and Haywood companies came in, so there are still four here."

The Council of State met on the 23d and adopted resolutions approving all that the Governor had done, but it requested that no more than five thousand troops should be called into service.

### **Virginia acts**

April 17

When the President called on the border states to engage in war with the five seceded states to coerce them, then the border states themselves were forced to take action. The crisis had arrived. On April 17, the Virginia convention being in session, passed an ordinance of secession, subject to the approval of the people at the polls, and seized the arsenal at Harpers Ferry and the navy yard at Norfolk, both of which, however, the Federal officers had attempted to destroy when evacuating them, thus preventing the arms from falling into the possession of the State.

Lee at Appomattox, 403

Charles Francis Adams said of Virginia's secession and action: "So, logically and consistently, she took her position that, though it might be unwise for a state to secede, a state that did secede could not and should not be coerced."

Goldwin Smith, the English publicist, speaking of President Lincoln, said: "If he saw, he never showed that he saw, the fundamental character of the situation with which he had to deal. He always wrote as if he took secession to be rebellion. . . . To call it rebellion is to speak ignorantly, to call it treason is to add viciousness to stupidity." Another English writer had said of Virginia: "So far she had given no overt sign of sympathy with the revolution, but she was now called on to furnish her quota of regiments for the Federal Army. To have acceded to the call would have been to abjure the most cherished principles of her political existence. Neutrality was impossible. If the morality of secession may be questioned; if South Carolina acted with undue haste, it can hardly be denied that the action of Virginia was not only fully justified but beyond suspicion."

#### **The action of the Southern States**

With regard to the action by the seceding states before Mr. Lincoln's call for troops, it is to be remarked that there were two schools of statesmen—one maintaining the right of a state to withdraw from the Union, the other denying it. The first considered that by the Constitution there was formed a Union of states; that the Constitution was "established between the states" ratifying it. That the inhabitants were not brought together into a nation was somewhat indicated by the careful elimination of the word "national" from the instrument. The statehood of the states was recognized throughout the Constitution. But the states agreed to restrict the exercise of some of their sovereign rights; and they delegated sovereign powers to the Union, and agreed that the laws made by Congress should be the supreme law of the land. But there was no power delegated to coerce a state; or to make war on a state, nor was there any agreement that a state should not withdraw from the Union. Allegiance of the citizens of each state had been to the state; and there was nothing said on the subject of allegiance whatever. But it was agreed that "Treason against the United States shall consist only in levying war



against *them*, or in adhering to their enemies," and a person "charged in any state with treason, felony or other crime shall, on demand of the executive authority of the state from which he has fled, be delivered up." Thus there was recognized both treason against the states in union, and treason against a particular state.

Each state had its own law for the admission of foreigners to its citizenship, with allegiance to the state; Congress was authorized "to establish an uniform rule of naturalization," so that there would be uniformity, but the allegiance to the state was not abandoned by the Constitution, only "the citizens of each state were to have the immunities and privileges of the citizens of the several states."

#### **No authority to declare war**

Buchanan

In his annual message to Congress, December, 1860, President Buchanan said: "The question fairly stated is: Has the Constitution delegated to Congress the power to coerce a state into submission which is attempting to withdraw, or has actually withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to make war against a state. After much serious reflection I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the Federal government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not necessary and proper for carrying into execution any one of these powers. So far from this power having been delegated to Congress, it was expressly refused by the convention which framed the Constitution."

#### **The war between the states**

67 U. S.  
Reports, 668

In the United States Supreme Court, in the Prize Cases, in December, 1862, after twenty months of war, Justice Grier said: "By the Constitution, Congress alone has the power to declare a national or foreign war. It cannot declare war against a state, or any number of states, by virtue

of any clause in the Constitution. . . . The President has no power to initiate or declare war against either a foreign nation or a domestic state." But, said the court, "a civil war suddenly came into being. It is none the less a civil war, because it may be called an insurrection by one side." And the court said: "We have shown that a civil war, as that now waged between the Northern and Southern States, is properly conducted according to humane regulations," etc. Ibid., 670

And again said the Court: "Under the very peculiar Constitution of this government, although the citizens owe supreme allegiance to the Federal government, they owe a qualified allegiance to the state in which they are domiciled. Their persons and property are subject to its laws. Hence, in organizing this rebellion, *they have acted as states* claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal government. Their right to do so is now being decided by *wager of battle*." Wager of battle *Wager of battle* was an appeal to might. He who conquered had the right.

While the Supreme Court struck the keynote—that the crux of the matter was the ultimate allegiance of the citizens of the seceding states—yet it forebore to point out how the allegiance to the Union became superior to the natural allegiance due to the state, for there was no transfer of ultimate allegiance from the state to the Union agreed to in the Constitution. The first Legislature of this State after the ratification of the Constitution, declined to take an oath to support the Constitution, but the next one, when the act of Congress had been received, passed an act conformable to the law of Congress prescribing that oath for certain state officers.

The Constitution being silent on the subject, it was only a mere theory, no matter how nebulous the foundation of it, by which the Northern States could hold that a state could not withdraw its citizens from under the provisions of the Constitution.



Between  
the States

The court said: The states "have acted as states claiming to be sovereign over all persons and property within their respective limits." Thus it was the action of the states that was in question. And the court points out that neither the President nor Congress had any authority to wage war against a state." So the court speaks of it "as a civil war between the Northern and Southern States." And the masterful leader in Congress, Thaddeus Stevens, agreed with the court and held that all that was done by the North was outside of the Constitution. Mr. Lincoln, however, asserted that the people in the seceded states were in insurrection, and that his oath to execute the laws required him to disregard the action of the states. Considering the obstacle to executing the law as an insurrection, the President under Art. IV of the Constitution could act only at the request of the state, and Mr. Lincoln was sworn to obey the Constitution. He, however, after an understanding with the governors of certain Northern States, undertook measures that would lead to war—that event being "not unexpected"—and then he called on the *states* to furnish the soldiers to carry on the war; and the Northern States responded. The war opened with troops furnished by Northern States, not by Congress; and it was conducted without the authority of Congress for four months, with the expectation that Congress would sanction what might be done.

From the beginning it was a war of the Northern States against the Southern States, and Congress, after it had been waged for months, merely carried it on without any authority under the Constitution, as the Supreme Court said. Goldwin Smith, an eminent publicist, and entirely disinterested, has written of Mr. Lincoln's attitude to the South in 1861: "With all his wisdom and goodness of heart he never took, or at least showed that he took, a right view of the case with which he had to deal. If he had, perhaps there would have been no war."

But for one reason or another, Mr. Lincoln and the Northern governors had determined on war: Constitution or no Constitution, the will of these men was to prevail.

**Lincoln's war**

Such were the successive steps of those fateful days; a determined stand against having any parley with the millions of Southern people who considered that a state had a right to withdraw from the Union, coining the phrase "insurrectionary states," the President treating millions of those whom he regarded as his "fellow citizens" as rebels since, not agreeing with his fanciful notion of the effect of the association of the colonies in their war for independence, they held with the Declaration itself that the states were free and independent states; and initiating a gigantic struggle between millions of the most enlightened, prosperous, happy, Christian people of the world because he held an opinion not based on any historical fact, which he would not submit to the consideration of Congress. Virtually, it was Mr. Lincoln's own war, he not allowing his fellow citizens, "his masters," as he termed them in his inaugural, any opportunity for an adjustment, although strongly urged to do so. Having initiated the war and postponed the meeting of Congress until July, when it met, after making in his message a statement of the several steps that had led to the bombardment of Sumter, Mr. Lincoln said: "So viewing the issue, no choice was left but to call out the war powers of the government." Referring to the measures he had taken, he said: "Those measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity, trusting then as now that Congress would ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress"—not the constitutional competency of the President, but of Congress. However, when resolutions were introduced in Congress proposing to legalize the President's acts they were not passed. His actions were illegal at their inception, and Congress had no power to make them lawful although ventured upon "on a popular demand and a public necessity," without regard to the Constitution. Indeed under Section 4, Article IV of the Constitution, "Congress shall protect each state against in-

Richardson,  
VI, 31

Ibid., 24

Ibid., 24



vasion," and Congress alone had the power to declare war; but Mr. Lincoln, relying on the aid of his partisan governors, waged war and invaded states without regard to the Constitution, and without even asking the leave of Congress, postponing its meeting for three months, to the sacred day of patriotism, expecting its concurrence after three months of hostilities, and suggesting that he had done nothing "beyond the constitutional competency of Congress." Until then at least it was no war of Congress, but of Mr. Lincoln and the Republican governors.

McClure

It is narrated that the Governor of Pennsylvania, after having furnished his quota, went on and sent forward many more troops than the Secretary of War would not receive. The Governor appealed to the President, and thereupon a famous controversy arose.

## CHAPTER XXXIX

### NORTH CAROLINA STANDS WITH THE SOUTH

In the State.—Dearth of supplies.—Arms stored at arsenal.—The first regiment.—The ports blockaded.—The prevailing excitement.—The Assembly meets.—Troops ordered to Virginia and a convention called.—The military board.—War measures.—Officers of the old army and navy.—The State navy.—Col. D. H. Hill carries first regiment to Richmond.—Other regiments.—The State troops and the volunteers.—The defenses.—The Unionists.—Worth voices their sentiments.—Holden's attitude.—The election.—The membership.—The convention.—Badger's ordinance.—Craige's ordinance adopted.—The flag.—The basis of the action.—Judge Connor's view.—Mr. Lincoln's action.—His "Sophism."

#### In the State

Immediately on the fall of Sumter, Major W. H. C. Whiting of the engineers, whose merits placed him easily in the highest rank of military men, being intimately associated with the people of Cape Fear, where he had married, arrived at Wilmington and was commissioned by the Governor to take charge. Necessarily every department had to be organized and all things necessary for defense and preparation had to be created. Major Whiting appointed Capt. F. L. Childs, an experienced artillery officer, chief of artillery, and S. A. Ashe, a lieutenant in the same department, while Governor Ellis sent as engineer Capt. John C. Winder.

Chronicles  
of the Cape  
Fear

Writing to Beauregard on the 22d, Whiting said, "the worst is I have nothing to work with." He asked for "some fuses for shells, sponge staffs, and the various implements belonging to the guns you have lent us. I have started all the ladies to making cartridge bags and sand bags, and that serves to keep their little hearts quiet. We have the arsenal today." Under Captain Childs's direction every available artisan at Wilmington was soon at work, while incessantly preparations for defense were pressed.

Dearth of  
supplies

The arsenal at Fayetteville was the depository of arms for distribution at the South under the Federal law; and



there also a considerable quantity of powder was stored. Because of the John Brown episode some of the citizens of Fayetteville had, in October, petitioned the War Department to garrison the arsenal with a company of regulars, and accordingly a detachment of troops had been stationed there, under the command of Major S. S. Anderson and Lieutenant De Lagnel, while the post was in charge of Capt. J. A. J. Bradford of the ordnance service. Contemporaneously with seizing the forts, the Governor addressed himself to securing possession of the arsenal and its valuable stores. Hon. Warren Winslow, skilled in all the accomplishments of a diplomat, acting as an aide to the Governor, was commissioned to bring about its peaceable surrender. In the town were the Fayetteville Independent Light Infantry, the oldest company of the South, organized in 1793, Captain Huske; and the Lafayette Light Infantry, Captain Starr, and other troops were available. On the 22d the surrender was accomplished, and Lieut. J. A. Pemberton, of the Fayetteville Light Infantry, was put in charge. The next day Major Anderson officially reported the fact to the authorities at Washington, saying that the Governor made his demand sustained by a force of one thousand and fifty rank and file of State troops well equipped and could not be resisted. The terms agreed on for the withdrawal of the garrison were reduced to writing and signed by Warren Winslow on the part of the Governor, and by Major Anderson. The garrison was to salute their flag with twenty-one guns, and were to retain their quarters until removed, and no flag was to be hoisted permanently until their departure. In the arsenal were 37,000 stands of arms, a battery of field pieces, a large quantity of powder, and other stores, and the machinery for the manufacture of munitions of war. The supply of arms thus gained was all important; for on the very day of the surrender the Confederate Secretary of War requested Governor Ellis to send a regiment to Virginia, and on the 25th asked him to send two thousand muskets for three regiments from Tennessee and Arkansas then at Lynchburg without arms. The South had men enough, but was not supplied with arms

April 22

The arsenal  
surrendered

Arms and  
stores

Men but  
no arms

and munitions. The war had come so suddenly that no preparation had been made for it. The states had no supplies. The powder and arms obtained at Fayetteville were thus of the utmost advantage. Ten thousand muskets were given to Virginia, and a more limited supply furnished to other states. Virginia supplied

While every effort was being made to put the forts in a condition for defense companies were being enlisted in nearly every county and community, and so prompt was the response to the Governor's call that on the 19th the Adjutant-General, Col. John F. Hoke, directed Colonel Hill, in command of the camp, to organize the first regiment, the service of which was to be for six months, and its destination the seat of war in Virginia. The companies finally assigned to this regiment were:

- Co. A, Edgecombe Guards, Capt. John L. Bridgers.
- Co. B, Hornet's Nest Rifles, Capt. Lewis S. Williams.
- Co. C, Charlotte Grays, Capt. E. A. Ross.
- Co. D, Orange Light Infantry, Capt. Richard J. Ashe.
- Co. E, Buncombe Riflemen, Capt. W. W. McDowell.
- Co. F, Lafayette Light Infantry, Capt. Jos. B. Starr.
- Co. G, Burke Rifles, Capt. C. M. Avery.
- Co. H, Fayetteville Independent Light Infantry, Capt. Wright Huske.
- Co. I, Enfield Blues, Capt. D. B. Bell.
- Co. K, Southern Stars, Capt. W. J. Hoke.

April, 1861

Virtually a condition of war prevailed in North Carolina from the middle of April, and President Lincoln recognized it by extending to the ports of the State the blockade he had proclaimed of the seceded states. The peaceful life of the people—religious, God-fearing, and law-abiding—now gave place to a hot and enthusiastic spirit of resistance. Without experience in the trials, pains, sorrows, and disasters of actual war, anxieties were repressed, and with pride and blessings the women prepared the men for the front and hastened them away. Uniforms, accoutrements, haversacks, and equipments were utterly lacking and had to be improvised, and at once societies were formed to furnish such articles as the women could make, and the whole State was

Women at work



at work in one common patriotic endeavor. And so a fortnight passed rapidly, the State quivering with excitement and carried away with the furore developed by the great and unexpected events that had so suddenly precipitated the war.

May 1, 1861  
The Governor's address

When the Assembly met on May 1, there was no difference of opinion as to the duty of the State. In his message the Governor said: "The outburst of indignation with which the proclamation of the President has been received by all the citizens of the State convinces me that I did not mistake the people whose chief magistrate I am. The alacrity with which they have sprung to arms is proof that long years of peace and order have only made more dear to them their rights and liberties and have not in the least impaired their readiness and ability to defend them."

Troops to Virginia

Convention called

He had been requested by the Confederate Secretary of War to send troops to Virginia, although neither Virginia nor North Carolina were as yet members of the Confederacy, and he had promised to do so. Accordingly, he urged that a convention with unlimited powers should be called to adopt an ordinance of secession; that preparations should be made for war; and that he be authorized to send troops out of the State to the scene of operations in Virginia. The Assembly was in full accord with the Governor. It first authorized the dispatch of troops to Virginia, and the House within two hours after it met passed a bill to call a convention. The vote was unanimous. The bill being hastily carried to the Senate, that body within three hours likewise passed it; but here there were three voices in dissent—L. Q. Sharpe, Jonathan Worth, and Josiah Turner objected that there was undue haste, and they likewise objected to a convention with power to adopt secession without submitting the matter to the people, preferring to follow the example of Virginia.

The convention was to be composed of 120 members apportioned among the counties as the members of the House of Commons were. The election of delegates was to be held on the 13th of May, and the convention was to meet at Raleigh on May 20.

Having provided for the withdrawal of the State from the Union, the Assembly at once turned its attention to war measures. Agreeably to the recommendations of the Governor the arsenal at Fayetteville was directed to be equipped as an arsenal of construction to manufacture arms and munitions of war. The health of Governor Ellis being precarious, a military board of three members was established, to be appointed by the Governor and to advise with him relative to appointments and about naval and military matters. The Governor appointed on this board Warren Winslow, Col. J. A. Bradford, who had recently been a U. S. Artillery officer in command of the Fayetteville arsenal, and Haywood W. Guion, a thorough business man, then the president of the Wilmington, Charlotte and Rutherford Railroad Company.

War meas-  
ures

To provide for defense the Governor was authorized to enlist a force of ten thousand State troops to serve during the war, all of whose officers were to be appointed by the Governor. These State troops were to consist of one regiment of artillery and engineers, one regiment of cavalry, and eight regiments of infantry. In addition to these troops for the war, the Governor was empowered to call for 20,000 volunteers to serve for twelve months, to be increased if need be to 50,000. These volunteers were to choose their own company officers, who in turn were to elect their field officers, but the general officers were to be appointed by the Governor. To meet the expenses of these troops an issue of treasury notes and of bonds amounting to five million dollars was authorized; and, because of public conditions, it was enacted that no court should give judgment on notes and pecuniary obligations except for interest, and no execution should be issued to collect debts until otherwise provided. The Assembly also passed an act defining treason and punishing rebellion and inciting slaves to rise. It omitted from all oaths the words "United States"; authorized elections to be held in camps by the officers; and conferred on the Governor power to establish and to take possession of all telegraph lines, to conduct mail service, to appoint a commissioner to represent the State in the Con-

10,000 State  
troops

50,000 vol-  
unteers

Stay law

Powers con-  
ferred on  
Governor



gress at Montgomery, Thomas L. Clingman being selected; to provide subsistence for the troops of other states passing through North Carolina, and to erect batteries at the inlets of Hatteras and Ocracoke, and also to commission such officers as might resign from the service of the United States. Having made ample provision for the present, the Assembly, after a session of thirteen days, adjourned to meet again on the 25th of June.

Officers of  
United  
States

In considering the possibility of hostilities Southern men had cast an eye to the experienced officers of the United States service appointed from the South. Many of these officers were distinguished in their professions and devotedly attached to their flag and country. It was a severe trial of their devotion to duty to abandon their positions and sever the ties of a lifetime and take service in an antagonistic organization. But when the hour for determination came nearly all the officers in each service appointed from North Carolina retired from their positions and cast their lot with North Carolina. Among the army officers who did so were Majors T. H. Holmes and James G. Martin, Captains R. C. Gatlin, Gabriel J. Rains, and Robert Ransom, and Lieutenants G. B. Anderson, W. D. Pender, R. H. Riddick, J. P. Jones, Sol Williams, Alexander McRae, L. S. Baker, Reuben Campbell, Gabriel H. Hill, S. D. Ramseur and R. C. Hill.

Resigned  
officers

Among the navy officers who resigned were Commanders John Manning and William T. Muse, and Lieutenants James I. Waddell, J. T. Cook, W. E. Bordinot, J. N. Maffitt and P. U. Murphy, while Lieutenant Crossan had resigned a little earlier. The students at West Point and at Annapolis likewise resigned.

Not a war  
of Congress

Some adverse comment was made at the North on the resignation of Southern men from the army and their taking up arms for the South in April, 1861; but it should be borne in mind that the war was not begun by the war-making power of the Union—that it was not the action of Congress that instituted it, that it was not the action of their government; but it was arranged by the Executive in co-operation with the governors of some of the Northern

states. And, again, it was their homes and firesides that were to be desolated, and they answered the call of their people and of their State, their allegiance to their State and homes being held superior to all other obligations. Moreover, Lee and others had been taught at West Point that "the states then may wholly withdraw from the Union." "The secession of a state from the Union depends on the will of the people of such state."

Rawle: View  
of the Con-  
stitution,  
1825, pp.  
288-300

As quickly as possible Governor Ellis bought at Norfolk two small steamers and chartered another, and put in commission a little fleet to operate along the coast and in the sounds. He called to his aid on his staff L. O'B. Branch as quartermaster general and Colonel William Johnston as commissary general and Dr. Charles Johnson as surgeon general. Dr. Johnson at once began the selection and appointment of surgeons and assistant surgeons for the regiments. As soon as possible a general hospital was established for the troops at Raleigh, and the supervision was entrusted to the eminent Dr. Burke Haywood as surgeon in charge.

Navy and  
staff

On the 11th of May the First Regiment organized and elected for field officers D. H. Hill, Colonel; C. C. Lee, Lieutenant-Colonel; and J. H. Lane, Major. Both Hill and Lee were graduates of West Point, and Lane was a graduate of the Virginia Military Institute, and all were accomplished professors connected with the North Carolina Military Institute. The soldiers in going to the field proposed to be under the guidance of the very best officers, and all of these attained high distinction during the war. On the 18th of May Colonel Hill and the two Fayetteville companies and the Southern Stars arrived at Richmond, where three days later the other companies joined the camp at Howard's Grove. The regiment was received with much enthusiasm at Richmond, and, being well drilled and equipped, it merited the high encomiums so lavishly bestowed upon it.

The First  
Regiment

Under the authority of the act of May 8 the Governor began the organization of the State troops, or three-year men, while facilitating the completion of other regiments of

State troops



twelve-months men. Hundreds of companies were being enlisted and put under active men in various parts of the State, and these formed the nucleus both of the State troops and of the volunteer regiments. D. H. Hill had been commissioned Colonel in April. On May 8 C. C. Tew, then in command of Fort Macon, was commissioned Colonel, as were also Robert Ransom, M. S. Stokes and George B. Anderson, all of the Old Army, and D. K. McRae. Colonel Ransom was assigned to the cavalry. On May 16 commissions as Colonels were issued to Gaston Meares, J. A. J. Bradford, Reuben Campbell, also military men, and to Charles F. Fisher, who was already raising a regiment for the service. Camps were established near Raleigh, at Company Shops, at Warrenton, at Ridgeway, at Garysburg, and at Halifax. Col. John F. Hoke was the efficient Adjutant General of the State. The Legislature had provided specially for an adjutant general of the "State Troops," and had directed that these regiments should be numbered from one up, while the regiments of volunteers, of whom before the end of May 10, many had been accepted by the Governor, were being numbered in the same way. Companies were being drilled at Garysburg and other camps of instruction and regiments were departing for the seat of war in Virginia. The Second Regiment of Volunteers organized at Garysburg on May 15, electing Sol Williams, a graduate of West Point, Colonel; and on the 22d it moved on to Richmond, and then to Sewells Point near Norfolk. On the 16th the Third Regiment of Volunteers elected as its Colonel, W. D. Pender, also a West Point graduate, who had been in command of the camp of instruction, and it departed for Suffolk, and later was stationed at Newport News. Early in June the Fourth Volunteers organized at Garysburg, electing Junius Daniel, likewise of West Point, Colonel, and it was stationed at Suffolk. Other regiments of volunteers were forming, and the officers appointed for the ten regiments of State Troops were actively enlisting men for the war, drilling companies at camps of instruction, and preparing men for the front.

All along the coast there was incessant activity, erecting batteries, perfecting defenses, mounting guns, getting in ammunition, and making preparations for battle. The value of the seacoast sand for the erection of batteries was at once discerned and that material was quickly utilized. To command New Inlet, Capt. C. P. Bolles erected a two-gun battery at Confederate Point, the first step toward those magnificent fortifications which subsequently became famous as Fort Fisher. As soon as completed Battery Bolles was occupied by the Wilmington Light Infantry under Captain DeRosset. Captain Winder was erecting batteries near Fort Caswell; Captain Guion had charge of the engineering at Fort Macon, and to General Walter Gwynn, an experienced engineer, was committed the defenses of the northeast. To guard the entrance into the sounds forts were begun at Ocracoke and Hatteras inlets, and companies were hurrying to occupy these points. At the forts quite a number of old cannon had been found, others had been procured from Charleston, and some cast at Richmond had been purchased by the State. The work of defense was in rapid progress. At Fort Caswell were 500 troops as a garrison; at Fort Johnson, 280; at Battery Bolles, 60; and at Radcliffe Battery, 60. Fort Macon was in good condition and well garrisoned; originally under command of Colonel Tew, on June 1 Major DeRosset became its commander. At Hatteras 16 cannon were in position, while only one was then mounted at Ocracoke, but 14 were on the way to that point. At Fort Point, below New Bern, 46 were mounted and ready.

Coast defense

Such were the conditions when the canvass was being made to choose delegates to the Convention. As the election was to be held on the thirteenth of May, the time was short, and there was but little opportunity for canvassing. Virginia was threatened from beyond the mountains, as well as from the Potomac and by way of Fortress Monroe, and her troops were in the field under the command of General R. E. Lee. It was considered that although her ordinance was yet to be ratified at the polls, Virginia had already seceded. That North Carolina would do likewise no one

The canvass



doubted. No public men now raised their voices against separation. There was general denunciation of President Lincoln and of the Republicans, yet it was among those who had been Unionists that indignation was most pronounced. It was considered that the administration had precipitated hostilities, that it had knocked the props from under the Unionists, that it had rushed Virginia, North Carolina, Tennessee, and the border states, into secession, and while the Secessionists loudly denounced the inauguration of war, to the Unionists it was gall and wormwood. No one could better voice their sentiments than Jonathan Worth, of Quaker parentage, not a lover of slavery, never an advocate of extreme Southern views, a representative man of the extensive central region where the people had been devoted to the Union. Writing on the day of the election, he said: "Slavery thus far has been only a pretext for this sectional contest. The multitude North and South regard it as the cause. It is true that I believe Lincoln had no right to call out the militia, make war and blockade the ports when Congress, with full knowledge of the existing state of rebellion had just refused to pass the Force Bill; but conceding to him the right, if reunion was his object, he showed want of common sense in adopting the course he did. If the restoration of the Union was his object, which I believe was his object, then he is a fool. If his purpose was to drive off all the slave states in order to make war on them and annihilate slavery, then he is a devil, and in the latter supposition, I could fight with a hearty good will."

Union men

Worth's  
viewsLincoln and  
the Union  
men

To Philadelphia he wrote: "I have just returned from Raleigh. The State regards the impending war as a sectional one and all seem determined to repel it. A large majority up to the issuing of Lincoln's proclamation were firm for the Union. Some of us would have made any sacrifice to preserve it. Lincoln prostrated us. He could have devised no scheme more effectual than the one he has pursued to overthrow the friends of the Union here . . . Whatever may be his purpose, any sensible man could foresee and this act of his will prove, that he is the most efficient

auxiliary of the Secessionists. I have been the most persevering and determined public man in my State to preserve the Union—the last to abandon the hope. . . . Lincoln has made us a unit to resist until we repel our invaders or die.”

Again he wrote, concerning President Lincoln: “All of us who had stood by the Union felt that he had abandoned us, and surrendered us to the tender mercies of democracy and the devil. . . . All sensible men knew it would be the effect. We are still at a loss to determine whether he is an old goose, thinking to preserve the Union by his course, or whether he became apprehensive that the Union men were about to gain strength enough in the South to stay secession, and he desired to drive us all into rebellion in order to make a crusade against slavery and desolate our section. In the former case he is a fool—in the latter, a devil. He could have adopted no policy so effectual to destroy the Union.” And Worth issued an address to the people of his county that had a wide circulation, embracing the above ideas, which became the basis of the action of the Union men.

Correspon-  
dence of  
Jonathan  
Worth, I,  
147

And to Boston he wrote: “Congress having refused to pass the Force Bill, we felt that the President could abandon Sumter and Pickens without any sacrifice of his principles, but in conformity with the legislative will. . . . He (Lincoln) did more than all the Secessionists to break up the Union. . . . Reason has left. Rage controls both sections. God save the country!”

A candidate for the Convention antagonizing State action would have received but few, if any, votes in any county. But while there was this agreement on the great important point, there were many shades of opinion. Generally the several counties chose as delegates those who had been most esteemed by them—the Whig counties electing Union men, and the Democratic counties States’ Rights men. In Wake there was a great contest. George W. Mordecai and Senator Bragg were supported by the Democrats, and Badger, Kemp Battle, and W. W. Holden by the Unionists. At a meeting, chiefly of the Union element, on the 19th of April, Holden had offered resolutions that were adopted—“That



Holden

Sprunt's  
Monographs,  
I, 9

we will unite as one man to defend our rights and liberties at all hazards and to the last extremity." And on the 24th he declared in the *Standard*, "We must fight. 'God and our native land.'" And such was the position of his associates. At the election on a full vote, Badger and Battle were elected by a hundred majority, but Holden received only five votes more than Mordecai—a change of three would have beaten him. Similarly, the election was close in some other counties. But notwithstanding these divisions, those voted for were men of prominence and many of the best men in the State were chosen.

### The Convention

Edwards

Schenck:  
Convention  
Sketches

When the Convention met it was not a revolutionary body, but rather an assemblage of the strongest representatives of the highest intelligence of the State. The proportion of college bred men in it was unusually large. Of the 147 who first and last were members and officers no less than 83 had been to college, while there were sixteen physicians in the membership. Chief Justice Ruffin, Judges Badger, Person, Howard, Osborne and Biggs were among the jurists of the body; Graham, Badger, Brown, Reid, Biggs had been Senators; Edwards, Winslow, Venable, Shaw, Ashe, Craige, Gilmer, Rayner, had been men of distinguished careers in Congress. Among the others were many who likewise brought fine intelligence and a lofty patriotism to the discharge of their duties, some of whom attained high distinction later on the field of battle or in civil life. Weldon Edwards, the oldest member, was a prince among Democrats. About seventy-three years of age, he, like several other members, had been a delegate to the convention of 1835, the associate of Nat Macon. Full of animation and spirit, he carried himself erect and was always richly clad, carrying a cane for ornament rather than support. A delightful companion, courtly in his manners, loving his grasses and his grains, his horses and cattle, his discourse won the hearts of all. It was his personal popularity that brought him the suffrage of the Disunionists for president of the Convention.

William A. Graham was at the zenith of his mature powers. Full of honors and illustrious, his prestige was great, and leadership was accorded him by the former Union men of the Convention. He gave out no uncertain sound in the new conditions of the day, but declared that the crisis of war had come and that the gage of battle must be accepted. The handsomest man in the Convention, tall, erect, majestic, severely dignified in manner, he was the embodiment of conservatism and prudence. Graham

Judge Badger was a rigid partisan, and even his fervid patriotism did not obliterate his prejudice against his former political opponents. He had an exuberance of spirits that ever distinguished him. He was never depressed, and when misfortune befell the cause he cited some parallel in history or related some humorous anecdote to comfort those about him. Conscious of his great powers, he determined his own course, and supported measures that commended themselves to his judgment, regardless of the opinions of others. As a speaker he was distinguished. It seemed as if he knew everything that was beautiful and enchanting and eloquent and could blend them at will into harmony, exciting the wonder and admiration of all who heard him; but his oratory, while ornate, no longer had the fire and fervor of youth. Badger

Judge Ruffin's age and dignity and the prestige of his distinguished career as Chief Justice invested him with a reverence above all others. Like Badger, he spoke often. His style of declamation was rapid and vehement, his gesticulation angular and without regard to grace, and with a stamp of his foot he sealed the conclusion of his inexorable logic. His patriotism and purity were unquestioned, and men hesitated to differ from his views. Ruffin

Perhaps Bedford Brown was the next most notable member. A personal friend of President Jackson, he had violently opposed nullification in 1833, and in 1861 he had been the leader in the State Senate of those who rejected secession as the remedy for the admitted evils of the times. But now that the fight was on, he cried aloud, "Lay on, McDuff." Ill-favored, he was pompous in his dignity, but none equaled Brown



him in politeness and courtesy. Tall, spare, and always elegantly clad, he moved with a firm step and spoke frequently, using deliberation, emphasis, and a careful selection of phrases.

Holden

A unique figure was W. W. Holden. Originally a Whig editor, he had become the leading Democratic editor, and had been very aggressive and intemperate in his denunciation of the Whigs, and especially disagreeable to Governor Graham and the others of his old home, Hillsboro. Of late he had separated himself from the straight Democrats, and now was coöperating with those who for years had been the targets of his envenomed shafts. As editor of the *Standard*, his power was fully appreciated by his new allies, and he exerted great influence among them. And so it happened that the windings of political action at length brought about the strange but significant spectacle of the highminded and illustrious Graham presiding at a caucus of Union men held in the parlor of Mr. Holden, who had been so caustic and denunciatory against him, and who had so often vehemently villified him.

Battle, N. C.  
Review, May  
1, 1911

### **The meeting**

On the morning of Monday, May 20, the members of the Convention began to assemble in the hall of the House of Commons, which was crowded with spectators, and at eleven o'clock, at the instance of Judge Biggs, they produced their credentials, and, a quorum being present, Mr. Leake, of Richmond, nominated Weldon N. Edwards for president of the body, while Judge Badger presented the name of William A. Graham, who had been agreed on by a caucus of the Union men. Mr. Edwards received 65 votes, and Mr. Graham 48.

As soon as the president had taken his seat Mr. Badger presented an ordinance of separation, but the body had not yet organized, a secretary not having been chosen. Col. Walter L. Steele was elected principal secretary; L. C. Edwards of Granville, who was not a Secessionist, was elected assistant secretary; James Page of Randolph, W. R. Lovell of Surry, and John C. Moore of Wake, none Seces-

sionists, were elected doorkeepers. Before any other business was done Rev. J. W. Tucker, of the Methodist Church, offered a prayer, invoking the guidance of the Almighty. Then the president laid before the body a communication from Franklin J. Moses, a commissioner of the State of South Carolina, who on invitation addressed the Convention. This address was so in consonance with the spirit of the hour that on the next morning the Convention unanimously adopted resolutions expressing its gratification at the energy and ability with which the commissioner had executed his trust.

Convention  
Journal, 23

Walter F. Leak, now advanced in years, a man of large experience and the owner of many slaves, deeply imbued with the spirit that prevailed in South Carolina, proposed, "Three cheers for South Carolina, 'the noblest Roman of them all'"; and many of the Convention went wild in hurrahs.

Register,  
May 22

But notwithstanding this incident the feeling and sentiment of the members were not in entire harmony. The Union men were ready, if need be, to fight the North, but they did not love South Carolina, nor did they choose to unite their fortunes with the Secession Democrats of the cotton states. Indeed, Holden, who now had made personal peace with Graham, as well as Badger, was already asserting that Jeff Davis had brought on the war, and the Southern Democrats were responsible for the bloodshed.

### **Badger's ordinance**

Mr. Badger's proposed ordinance recited the secession of some of the states and the formation of the Confederate States, and that North Carolina had abstained from separating from the Union, and that President Lincoln had called upon the states to furnish large bodies of troops under the false pretense of executing the laws, there being no law of Congress authorizing it, and no constitutional right, and, that it was the fixed purpose of the government and people of the non-slaveholding states to wage war on the seceded states, and it continued: "Since his accession to power the whole conduct of said Lincoln has been marked by a suc-



cession of false, disingenuous, and treacherous acts and declarations, proving incontestably that he is void of faith and honor; and whereas, in all his wicked and diabolical purposes he is encouraged by the great body of the people of the nonslaveholding states; therefore this convention hereby declares all connection of government between this State and the United States of America dissolved and abrogated, and this State to be a free, sovereign, and independent State, and we will to the last extremity maintain, defend, and uphold this declaration."

The statements and declarations contained in this paper found a ready response in every heart, save, perhaps, they were not sufficiently emphatic in the denunciation of Mr. Lincoln and the Republican administration. But, as it was based merely on the natural right of revolution, it was not satisfactory to the States' Rights leaders, who held that a state, by virtue of its sovereignty, had a legal right to repeal and annul its former action in joining the Union. Indeed, preliminary to the meeting of the Convention, an ordinance of secession to be adopted had received consideration. South Carolina, Georgia, and Virginia had repealed the ordinances by which those states had ratified the Federal Constitution, and it was deemed expedient that the North Carolina ordinance should be of the same character, thus asserting the legal right of secession. Such a paper had been drawn at Rocky Point, being a virtual copy of the Georgia ordinance, and without doubt this draft was the subject of conference between Governor Ellis and other leaders, and, being agreed on, the distinction of offering it was accorded to Burton Craige, a delegate from Governor Ellis's home county.

Craige's  
ordinance

Judge Badger's proposition being before the Convention, Mr. Craige moved to strike out and to substitute the following:

AN ORDINANCE DISSOLVING THE UNION BETWEEN THE STATE OF NORTH CAROLINA AND THE OTHER STATES UNITED WITH HER UNDER THE COMPACT GOVERNMENT ENTITLED "THE CONSTITUTION OF THE UNITED STATES."

We, the people of the State of North Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the State of North Carolina in the convention of 1789, whereby the Constitution of the

United States was ratified and adopted, and also all acts and parts of acts of the General Assembly ratifying and adopting amendments to the said Constitution are hereby repealed, rescinded, and abrogated.

We do further declare and ordain that the union now subsisting between the State of North Carolina and the other States under the title of "The United States of America" is hereby dissolved, and the State of North Carolina is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent state.\*

Judge Ruffin, who differed with his party friends since he did not believe in the right of secession, came forward in opposition, and moved that the subject lie on the table and that a committee be appointed to prepare an "ordinance of separation." But this did not accord with the purpose of the Secessionists, and the motion was not concurred in, and, by a vote of 72 to 40, the Convention proceeded to strike out the Badger proposition, with a view to substituting that of Mr. Craige. Judge Ruffin then made another effort to prevent the Convention from committing itself to States' Rights secession, proposing that the Craige proposition should be amended by omitting the words that repealed the ordinance of 1789. But the Convention could not be swerved from its purpose, and the proposition of that honored Democrat shared the same fate as that of the great and illustrious leader of the Whig element of the Convention. Mr. Ashe, probably the leading Secessionist in the body, called for the yeas and nays, and the vote cast was 49 to 66, the members dividing substantially as in the election of the presiding officer. Defeated in these preliminary votes, those who opposed the doctrine of secession now acquiesced. In particular the two leaders, Governor Graham and Judge Ruffin, announced that they would make no further opposition; but Judge Badger, discomfited, indignant, and hurt, withdrew from the hall.

The galleries and lobbies were packed with interested spectators, the city was filled with soldiers and the local companies were parading. The Ellis battery with their brass pieces stood at the west portico of the Capitol ready

\*Governor Ellis, in his diary, noted that he handed this paper to Mr. Craige (Hamilton, p. 29). It was the same as that drafted at Rocky Point, the Georgia ordinance, with a slight change.



to fire a salute. All knew that an ordinance of separation would be adopted, and with intense enthusiasm the announcement was awaited.

Unanimous  
vote

Finally, about six o'clock in the afternoon the vote was taken—by yeas and nays—and every member present voted for the ordinance. The announcement created the wildest enthusiasm. The military bands struck up, the church bells pealed, and the battery thundered its salute, while the vast crowd shouted their hurrahs. Within the hall business was suspended, and on the floor and in the galleries there was long-continued applause.

Register,  
May 22

“One hundred guns were fired as a salute, then ten guns for each state in the Confederacy, then the whole battery fired a salute, with nine cheers for North Carolina.” It was then resolved that the Ordinance of Secession should be enrolled on parchment and should be signed in open session on the morrow.

State flag

Later, a State flag was adopted. It had a red field with a white star in the center. Above the star, “May 20, 1775,” below it “May 20, 1861.” There were two bars of equal width, the upper blue, the lower white.

Before the flag had been adopted by the Confederacy banners of varying devices were used. One hoisted in Raleigh contained 15 stars. Major Orrin R. Smith, who had served in the Mexican War in the company raised at Hillsboro, has stated that he devised a Confederate flag and hoisted it at Louisburg, and he submitted his design to the authorities at Montgomery, who adopted it; this, it is said, being the first Confederate flag. One of the earliest flags of that design was presented to the Franklin Rifles by the ladies of Louisburg, April 27, 1861. It is now preserved in the Hall of History.

The original Confederate flag was the Stars and Bars, but late in 1862, a white flag with one blue star in the center was adopted, and then in 1863, the “battle flag” supplanted the stars for the Union; and still later a red perpendicular stripe crossed the end of the field.

**The basis of action**

The action of North Carolina was based on citizenship and ultimate allegiance. The judicious Henry G. Connor, who had adorned the judicial annals of the State, in a memorable address on George Davis said: "Standing here today and looking backward over the events of half a century, and again looking backward over the events of the preceding century of North Carolina history, beginning with the action of the men of the lower Cape Fear, when they declared 'that the cause of Boston town was the cause of all,' and of the men of Mecklenburg, and through all the years of loyal service to the Union of the states, responding to every constitutional obligation, with absolute loyalty to the present and confidence in the future, it is impossible to see how, without foreswearing her past, renouncing her noblest traditions, doing violence to her honor, if she had any regard for her glory, or for the past, or for the ages to come, North Carolina could have done otherwise. If the result had been foreseen with absolute certainty, yet North Carolina must have refused to make war upon Virginia, South Carolina and the other states."

**Mr. Lincoln's action**

The consequences of beginning the war were so terrible that a particular consideration of its inception comes within the scope of historical investigation. Mr. Buchanan had declared that he would not imbrue his hands in the blood of his fellow-citizens. In a message to Congress he held there was no constitutional power to coerce a state. Many of the leading men held the same creed. Two years later Justice Grier in the Supreme Court said the same. When Mr. Lincoln succeeded to the Presidency the cotton states had already withdrawn from the Union, but the quietude was unbroken. Congress, the depository of the powers conferred on the government, made no denial. When Senators withdrew there were no protests. The states in peace conference made no protest. They proposed a measure to perpetuate the Union. Congress, acquiescing in the situation,



proposed a constitutional amendment to quiet the apprehensions of the slaveholding states and to open a pathway for the return of the seceded states. Mr. Lincoln, himself, had no objection to the proposed amendment. Possibly it might have been adopted and the cause of differences between the sections might disappear. Time was necessary. Congress had paved the way. There was to be nothing done to render its action inoperative. Such certainly was the will and expectation of Congress in the plenitude of its exclusive power under the Constitution. Mr. Lincoln and his Cabinet at first agreed on measures that would have been in agreement with the will of Congress. But no sooner had the special session of the Senate adjourned than Mr. Lincoln changed his purpose and, despite the inclination of a majority of his Cabinet, brought about such "not unexpected" conditions that the North was inflamed, and "a public demand" created for war and the will of Congress overridden. Backed by the nine Governors, he disregarded the peaceful policy of Congress, rendered nugatory the proposition for a constitutional amendment and, without any constitutional sanction, brought on a calamitous war within a month from the time he was inaugurated. Having planned the war and inaugurated it unnecessarily, the holocaust of its human victims constitutes a monument to his fame that will remain as long as Americans value American history.

Richardson,  
VI, 26

In passing it may be observed that Mr. Lincoln said in his inaugural that by the Declaration of Independence the separate colonies were brought into an indissoluble union: and speaking of those engaged in secession, said: "They invented an ingenious sophism. . . . The sophism itself is that any state of the Union may consistently with the National Constitution and therefore can, lawfully and peacefully withdraw from the Union without the consent of the Union or of any other state."

But the right of a state to withdraw was asserted both by New York and Virginia when adopting the Constitution. In every generation it had been asserted. Jefferson expressed the opinion, in 1798. New England began a

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movement for it after the Louisiana Purchase—and again during the war of 1812—the great Philadelphia lawyer, Rawle, U. S. District Attorney, so expounded the Constitution in his important volume on the Constitution that was a textbook at West Point. Calhoun even proposed to act on it, as did New England statesmen at various times. There was no “invention” in 1860, only a recognition and an assertion of a right claimed from the beginning and not specifically denied in the Constitution.



## CHAPTER XL

### OUT OF THE UNION

Out of the Union.—To join the Confederacy.—Differences in Convention.—Holden's attitude.—The Union men organize.—The Convention continues.—Amendments to the Constitution proposed.—The enlistments.—The sea coast.—Colonel Hill moves to Big Bethel.—The first battle.—Henry L. Wyatt of Edgecombe County first soldier to fall.—His death.—Federal Major Winthrop killed.—The Federals withdraw.—The chase.—In the Convention.—Wild excitement over Bethel.—Impulse to enlistment.—The expense.—State troops turned over to the Confederacy.—The Fayetteville arsenal.—Delegates in Congress.—Appointments.—Kemp Battle in opposition.—Meeting of Assembly postponed.—The Governor absent, ill.—Speaker Clark acts.—Convention in recess.—Death of Ellis.—Organization of the troops.—James G. Martin Adjutant General.—The camps of instruction.—Location of troops.—Battle of Manassas.—Stonewall Jackson.—Fisher's regiment.—Its charge.—Death of Fisher and Mangum.—Beauregard advances.—The rout.—The Confederates at Vienna.—The joyful tidings.—The grief.—Congress meets.—The President not sustained by Congress.

Journal, 17

In the Confederacy

The State being out of the Union, Mr. Meares, who was an old Whig, proposed an ordinance to ratify the Constitution of the Provisional Government of the Confederate States. This, however, was not at all what Governor Graham wished, and he moved to adjourn; but the Convention stood against him substantially with respect to the character of the ordinance. Nor was Mr. Dick content, unless the matter of joining the Confederacy should be submitted to a vote of the people. Virginia had submitted to the popular vote the question of secession, but oblivious of that formality, had arranged by treaty for coöperation with the new Confederacy. Yet, although North Carolina had seceded, it was proposed that the people should determine whether or not she should join the Southern Confederacy, and the proposition received thirty-four votes, among them Gilmer, Graham, Warren and Woodfin; but by more than two to one the motion failed. On its failure, opposition ceased, and without dissent the Convention agreed to the ordinance ratifying the Constitution of the Provisional

Government of the Confederacy. Apparently the day's work was done. The Secessionists had carried their point, and the Unionists had, for weal or woe, been swept by the irresistible course of events into association with the cotton states. But something yet remained: Mr. Venable proposed an ordinance to ratify the Constitution of the Confederate States, adopted on March 11; but that was made the special order for the morrow, and the session closed.

Register,  
May 22

As the news spread throughout the State there was unrestrained jubilation. For a month the people had themselves been out of the Union and in arms against the Lincoln government; and now by a unanimous vote the Convention had ratified their action, and, responding to the people's will, had by an act of sovereignty dissolved the legal connection with the former Union, and had united the fortunes of North Carolina with the Confederacy.

On the next day the five members who were absent and did not vote on the ordinance of secession, stated that had they been present they would have voted for it; and the ordinance having been enrolled on parchment, at eight o'clock on the evening of the 21st it was signed with great and solemn formality by every member of the Convention.

The ordinance signed

Early on the morning of the second day a further indication of division among the members was observed. It was necessary to have a printer for the body, and John Spelman, the Public Printer, was not acceptable to all. Mr. Badger, from Wake, presented the name of Frank I. Wilson, of the *Standard*; Mr. Reid nominated Spelman; Mr. Foy offered the name of John Y. Syme, editor of the *Register*. Syme received a majority of the whole Convention and was elected.

A proposition to present to President Davis certified copies of the Ordinance of Secession and of the ordinance ratifying the Provisional Constitution of the Confederate States was agreed to without debate; but when the ordinance to ratify the permanent Constitution of the Confederate States came up as unfinished business, after "some time spent thereon," it was referred to a committee. Two days later a substitute was reported, and opposition to its im-

Divergence  
as to the  
Constitution



The Consti-  
tution  
adopted

meditate adoption at once developed. At first, a certified copy of the Constitution was directed to be obtained at Montgomery and printed. Later, Governor Graham moved that the consideration of the ordinance be postponed until August; and from day to day, as the proposition came up as "unfinished business," the Convention adjourned. A proposition by Mr. Dick to submit it to the popular vote, however, failed by two to one. On June 6, Mr. Warren, by birth a Northern man, a Whig and a Union man, who did not believe in the right of secession, moved to amend the ordinance by inserting a declaration of the right of secession, but those who wished immediate ratification were generally opposed to any amendment, and his motion received only twenty-six votes. At Judge Ruffin's instance, however, it was agreed that the Constitution of the Confederate States should be annexed as a part of the ordinance, and then after the committee's substitute had been adopted by 76 to 41, the ordinance was passed unanimously.

The right to  
secede

Journal,  
74, 97

On the next morning Mr. Ashe, who had voted against the Warren resolution, moved to suspend the rules and pass a resolution declaring the right of secession in the same terms contained in the Warren proposition. The motion failed, 49 to 53, Mr. Warren voting in the negative. Some days later when this resolution came up again a motion to lay on the table failed by a tie vote, 55 to 55, and the resolution, being displaced, never came to a vote.

Holden's  
course

From the very beginning of the Convention divisions were pronounced—the Secessionists on one side and the Union men on the other, the latter largely influenced by Badger, Graham, and Holden. Indeed, Holden, who wielded the power of a great newspaper, now became a most important coadjutor of those who opposed the extreme Southern element. Adept in politics, he gave direction to thought and evolved the ideas which became the basis of their action. "If party is put before country, if public affairs are mismanaged, if injustice is done, if favorites without merit are singled out and honored, while the honest and worthy are left in the ranks," were the insidious suggestions the *Standard* rang the changes on. In

vain did the *Register* reply: "Those untrue statements are made solely for the purpose of gratifying vindictive feelings towards Governor Ellis." Ellis himself, stricken by disease, lay sick unto death. Earlier, the Assembly had instituted the Board of War, relieving him of details, and Winslow and Guion, men of the first capacity, and Bradford, a military man of large experience, constituted the Board. "There have been but two parties in the State," urged the *Standard*, "the conservatives and the precipitators, or the Union men and the Secessionists. The precipitators, we claim, are entitled to no immunity from the war, certainly they are not entitled to pay for bringing it on." And thus, at the very birth of North Carolina as a member of the Confederacy, were the lines drawn marking the division between the factions in the Convention. "The old Union element," wrote Dr. Kemp P. Battle, who was a member of that faction, "soon organized into a separate party, and Governor Graham presided over the caucus, which was held in Holden's parlor."

*Register*,  
May 22

Holden  
organizes a  
party

And at once it was proclaimed that "confidence had not been accorded them," that "partiality had found expression in appointments to military command mostly of those who were Secessionists, or those affiliated with them." Indeed the former Union men felt keenly the hard fortune which gave the direction of affairs to those who had thought differently from them. The course of events had been disastrous to their hopes and at variance with their expectations. They found the old Union gone, their country at war with the Union, and themselves forced to coöperate with the Secessionists. If the Secessionists were jubilant, they were depressed. In exasperation Worth wrote: "Abolitionism and Democracy, aided and instigated by the devil, have forced everybody under one of their banners. . . . The reluctance with which I have submitted to subjugation makes me particularly obnoxious to low, mean Democrats about home." Similar feelings were doubtless the basis of the action of the Unionists in the Convention. They recognized the conditions that made it necessary to sever their connection with the Union and they were willing to fight for

Battle, N. C.  
*Review*,  
May, 1911

The old  
Whigs



North Carolina and to die in defense of the South, but they were not in sympathy with the Secessionists.

The divergence was a survival of former clashings. It was seen on the hustings, at the election on May 13. It was apparent when the Convention elected its presiding officer. It was emphasized in the vote on the Ordinance of Secession and by the proposition to submit the ratification of the Constitution of the Confederate States to the popular vote, seeking to delay the inevitable union with the Southern States to the last moment.

Hamilton, 33      The differences could not be ignored. Judge Ruffin, whose patriotism knew no turnings, no devious ways, unsuccessfully urged: "Let us no longer talk of being Secessionists from Northern tyranny and Union men for the Southern Confederacy." But his voice was unheeded, the purpose to maintain an "opposition" was settled.

The Convention at work      The purpose in calling the Convention having been to withdraw from the Union, when that was accomplished, the public thought that the Convention would speedily adjourn. But its members were public men, deeply interested in government and proudly conscious of the fact that they were the depositories of the sovereignty of the people. There were many things that might well be done and they had the power to do them. The Constitution needed amendment and they proposed to amend it. Many of the delegates were versed in public affairs, practiced in debate, full of information and ideas, versatile in accomplishments, and ready to discuss at length any proposition that was made, and there was no limit to the propositions.

On the second day of the session Judge Biggs offered a resolution that all propositions to amend the Constitution should be received and lie on the table, to be acted on at a subsequent session; but, instead, the Convention appointed a committee to consider all propositions touching the subjects of taxation and revenue.

Ad valorem      An ordinance having been introduced with respect to taxation, Mr. Holden offered an amendment providing that slaves should be taxed according to their value, thus precipitating one of the political issues on which the people

had divided in the last election. Eventually, an ordinance was passed taxing lands and negroes at their value, and declaring that the poll tax should be equal to the tax on three hundred dollars' worth of property.

In 1835 the political disabilities had been removed from the Catholics, and now that some accessions were being made to the few Hebrews who resided in the State, the Constitution was again amended so as to remove their disabilities—a denial of “the divine authority of both the Old and New Testaments,” being substituted for the former provision of the Constitution, which made a denial of either a cause of disability.

And not only did the Convention undertake the amendment of the organic law, but it took up questions relating to the defense of the State, and financial conditions, and entered generally on matters of legislation.

Governor Ellis reported that 10,717 volunteers had been accepted, but that the 10,000 three-year State Troops had not been entirely raised. It was estimated that some 15,000 troops would be needed for State defense, and that the cost would be over six and a half million dollars for the first year. This information challenged the thoughtful attention of the Convention and startled the delegates as to the expense of war. The necessity of protecting the coast was, however, apparent, and that subject early received earnest consideration. Day after day it was considered in secret session. “Indignation was expressed at the movement of troops by the Confederate Government. There was apprehension that there would be a stampede of slaves to the Federal army as soon as it appeared on the coast; but after much debate it was resolved that four regiments should be raised from the eastern counties to protect that region.”

Military  
affairs

Battle:  
Personnel of  
Convention,  
127

### The battle of Bethel

A Washington dispatch to the *New York Times* reads:

“I am at last enabled to send you a comprehensive announcement of the government policy concerning offensive movements. It is the intention of the President to crush



out this rebellion, if possible, before the 4th of July, 1861. He has determined and ordered that, if it be practicable, simultaneous attacks be made upon Norfolk, Richmond, Harpers Ferry and Pensacola, and that a flotilla be sent down the Mississippi River. There is to be no trifling. Good citizens will be protected, but traitors will be hung and their property be confiscated."

In accord with the above announcement steps were taken to invade the Southern States. Fortress Monroe was naturally one base of operations.

On May 24 the First Regiment was ordered from Richmond to Yorktown, in front of the Federal force, which, under Gen. B. F. Butler, occupied Fortress Monroe and the surrounding country. Colonel Magruder was in command of that part of Virginia. A week later Colonel Hill proceeded under orders to Big Bethel Church, some thirteen miles from Yorktown and only eight miles distant from Hampton. He was accompanied by Captain Randolph, of the Virginia artillery, who carried with him four pieces of artillery. The Federal troops had been foraging in that region, and there had been some slight collisions. Being exposed to attack and far to the front, Colonel Hill selected a location for his camp with Back River in his front, and began to construct an enclosed earthwork for protection. Little Bethel Church was three miles distant towards the enemy, and there Colonel Hill posted his advance pickets. But small progress had been made with the earthwork when there were observed signs of the proximity of a column of the enemy. Colonel Magruder himself had arrived; there had been some movements, and at three o'clock on the morning of the 10th of June, Colonel Hill, under orders, marched some three miles to the front, when it was discovered that the enemy in large force was approaching. Colonel Hill at once retired to his fortifications and awaited the expected assault. The road crossed the river on a bridge just at his camp, but the stream was fordable elsewhere. Company A was thrown out as skirmishers in a dense wood beyond the river on the left, while Company G was similarly advanced on the right. Still further in advance on the right

The First  
Regiment

Hill's dispo-  
sitions to re-  
pel attack

were three Virginia companies under Colonel Stewart, with some artillery of Randolph's Battery. The remaining companies were stationed around the fortifications, Company B being at the south face, commanding the approach by the road. The first demonstration by the enemy was against Hill's right. It was promptly met by Company G and Company B, whose fire was deliberate and effective. So positively checked, the enemy seemed to hesitate. Simultaneously with this movement, the enemy threw forward a force against the left, but it was driven off and the river interfered with the direct assault. After a short interval the attack on the right was renewed in greater force, and Colonel Magruder ordered Stewart to withdraw. The earth-work that had been occupied by Captain Brown of Randolph's artillery was seized by the Federal Zouaves, and Company G thereupon likewise retired. At this critical moment Colonel Hill called in Captain Bridgers with Company A and directed him to cross over and retake the abandoned battery. This Captain Bridgers accomplished, pressing forward with determination, and driving the Zouaves out, and Stewart now again advanced and occupied his original position. Another demonstration was now made against that point, but it was effectually met by Stewart's Virginians and by Company G, under Captain Avery. At the front, however, was a house occupied by Federal sharpshooters, and at Colonel Hill's suggestion Captain Bridgers called for volunteers to burn it. Corporal George Williams, and Privates Henry L. Wyatt, Thomas Fallon, John Thorpe, and R. H. Bradley responded. At once they leaped the works and went on their dangerous mission. They behaved with great gallantry, said Colonel Hill in his report.

The volunteers

### **Wyatt the first to fall**

On the way Wyatt was killed, and later the others were recalled. Of Wyatt, Colonel Magruder said: "Too much praise cannot be bestowed upon the heroic soldier whom we lost. He was one of four who volunteered to set fire to a house in our front which was thought to afford protection to our enemies, and advancing between the two fires, he



fell midway, pierced in the forehead by a musket ball." Private Thorpe, afterwards Captain in the Forty-seventh Regiment, thus described the death of the first soldier who fell in battle during the war:\* "When we got to the redoubt I saw a Zouave regiment of the enemy in line of battle about three hundred yards away. A few minutes later, Colonel Hill, passing from our right, said: 'Captain Bridgers, can't you have that house burned?' and immediately went on. Captain Bridgers asked if five of the company would volunteer to burn it, suggesting that one of the number should be an officer. Corporal George T. Williams said he would be the officer, and four others said they would go. Matches and a hatchet were provided at once, and a minute later the little party scrambled over the breastworks in the following order: George T. Williams, Thomas Fallon, John H. Thorpe, Henry L. Wyatt, and R. H. Bradley. A volley was fired at us by a company, not from the house, but from the road to our left. As we were well drilled in skirmishing, all of us instantly dropped to the ground, Wyatt mortally wounded. He never uttered a word or a groan, but lay limp on his back, a clot of blood on his forehead as large as a man's fist. He was lying within four feet of me."

#### **Death of Winthrop**

Foiled on the right, the enemy now made a strong assault on the left. A column consisting of Vermont and Massachusetts troops, under the direction of Major Winthrop of Butler's staff, crossed the river and appeared at the angle of the earthworks on the left, being the northeast angle, where they were met by a withering fire from Companies B and C, as well as D. Colonel Magruder now hurried portions of Companies G and H from the other side to assist the defense. The three field officers were present and the men, said Colonel Hill, were in high glee, firing with coolness and precision. The contest had lasted only twenty minutes when Major Winthrop, while gallantly urging his

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\*In Virginia, near Fairfax Station, a soldier had previously been killed in a chance encounter between some squads of troops.

men forward, fell, pierced through the heart, and, confusion ensuing, the Federal column precipitately withdrew. Completely discouraged, the enemy made no further attack, but General Pierce, in command, brought up two fresh New York regiments, and under their protection removed the dead and wounded. The retreat then began, the two New York regiments covering the rear.

Federals  
retire

Captain Hoke with Company K now advanced into the woods in front, and it being ascertained that the road was clear, some hundred dragoons, under Captain Douthat, pursued the enemy as far as New Market Bridge, which they tore up behind them. "The enemy," said Colonel Hill, "threw away canteens, haversacks, overcoats, etc., etc., etc.; even the dead were thrown from the wagons, and the pursuit soon became a chase."

The pursuit

The casualties on the side of the Confederates were one killed and nine wounded: on the side of the Federals, as officially reported, 18 killed, 53 wounded, and 5 missing.

### In the Convention

On the 12th day of June the Convention, after considering some political questions that sharply divided the old parties, took up the resolution declaratory of the right of secession; but before a vote was reached the subject was displaced by another equally irritating to many members—an ordinance dissolving the Assembly and ordering a new election of Representatives. It was a day when the clashing was bitter. But the hour for the dinner recess arrived and the delegates separated. At four o'clock the clashing was renewed with intemperate zeal, but suddenly the President laid before the body a message from the Governor, transmitting an official dispatch from Colonel Hill giving the first news of the battle of Bethel. It fell on most willing ears.

In his dispatch Colonel Hill said: "Eight hundred of my regiment and 360 Virginians were engaged for five and a half hours with four and a half regiments of the enemy at Bethel Church, near Hampton. The enemy made three distinct and well-sustained charges, but were repulsed with heavy loss. Our cavalry pursued them for six miles, when

Hill's  
dispatch



their retreat became a total rout. I regret to report the loss of one man killed (Private Henry L. Wyatt, of the Edgecombe Guards) and several wounded. The loss of the enemy by their own confession was 150, but it may be safely estimated at 250. Our regiment behaved most gallantly. Not a man shrunk from his post or showed symptoms of fear. Our Heavenly Father has most wonderfully interposed to shield our heads in the day of battle. Unto Him be all the praise for our success."

The reading of the dispatch was received with unrestrained enthusiasm. The Convention broke up for about an hour in frenzied tumult. The wildest excitement took possession of all, and joy beamed from every countenance.

Enthusiasm

Governor Ellis, in his message, recommended that Colonel Hill be promoted to the rank of brigadier general, and that a full brigade be at once placed under his command, and he added that the testimonials of approbation most grateful to a soldier should be tendered to the brave officers and men. Mr. Badger at once proposed the sincere and hearty thanks of the Convention to the Governor for his message, and an assurance that the Convention would coöperate in offering any testimonial of honor and grateful acknowledgment to that gallant commander and the officers and men under his command that the Governor might recommend. On motion of Mr. Spruill, who had been an old Union man, a committee was appointed to illuminate the Capitol and grounds in honor of the brilliant victory. And then the Convention adjourned over until Friday, "tomorrow being the day set apart by President Davis as a day of prayer and thanksgiving to Almighty God for His protection and blessings to our people and nation." Later, the Convention authorized the First Regiment to inscribe "Bethel" on its banners.

General  
rejoicing

Indeed, the effect of this first conflict on the field of battle was electrical. The news was hailed with delight in every part of the South. In Virginia and North Carolina it was the signal for many demonstrations of enthusiasm. Everywhere there was rejoicing. The Richmond *Dispatch* said: "It is one of the most extraordinary victories in the annals of war. Four thousand thoroughly drilled and equipped

troops routed and driven from the field by 1,100 men. They have crowned the name of their country with imperishable luster and made their own names immortal. With odds of four to one against them, they have achieved a complete victory, putting the enemy to inglorious flight and giving to the world a brilliant pledge of the manner in which the South can defend its firesides and altars." And such were the sentiments that found expression in every paper and in every hamlet in the South. Within the State the victory was a source of intense pride. It fed the war spirit, and inspired the soldiers in every camp. The regiments and companies lying inactive in the forts and camps of instruction longed for the glory of the Bethel regiment, and were eager to go to the seat of war in Virginia. Volunteers flocked to the standards, and a great impulse was given to enlistments.

About the middle of June the Eighth, Tenth, and Seventeenth Volunteers were organized from the companies stationed for the protection of the forts. The Eighth elected J. D. Radcliffe, Colonel; the Tenth, Alfred Iverson; the Seventeenth, G. B. Singletary; but several of the companies of the Seventeenth then enlisted for the war, and it was some time before their places were filled.

New regi-  
ments

### The expense

The Convention, however, was appalled at the expense of the war. At a secret session of the body Judge Ruffin and Governor Graham were appointed a committee to confer with President Davis about the troops North Carolina was raising. The President said that the Confederate government would accept all of the ten regiments for the war, and the four regiments of twelve-months men already in the field, and two other regiments for twelve months; and on the 27th of June it was determined to transfer these troops to the Confederacy. The transfer was to be made on the 20th of August, and recruiting for the ten regiments of State troops was to cease on that day. All other volunteers were to be discharged, and all officers not accepted by the Confederacy were to be dropped. All staff officers and generals

Transfer of  
troops



Army and  
Navy

were to be appointed by the Confederate authorities. Similarly, the naval forces were turned over to the Confederate government, and the vessels not accepted were to be sold. The Board of War was abolished and the defense of the State was virtually conferred upon the Confederacy. But it was provided that the General Assembly might repeal so much of that ordinance as required the discharge of the volunteers.

### **The arsenal**

In pursuance of the design to make the arsenal at Fayetteville one of construction, application was made to the Confederate government for the installation there of a part of the machinery that had been taken at Harpers Ferry, and the machinery for the manufacture of rifles was removed to Fayetteville. Accompanying the machinery was a considerable number of the operatives, making a valuable addition to the residents of the town.

Now the arsenal and the forts were turned over to the Confederacy, and passed under the command and direction of the Confederate authorities.

Many members of the Assembly had resigned and elections were held to supply the vacancies.

Delegates  
in Congress

On the 18th of June the Convention elected delegates to represent the State in the Confederate Congress, two delegates to represent the State at large and one for each district. W. W. Avery, a former Democrat, and George Davis, a former Whig, were chosen for the State, receiving 57 and 59 votes, while Bedford Brown and Henry W. Miller, Union men, received 47 and 42. For the delegate to represent the First District W. N. H. Smith, a Union-Whig, received 76, while Richard H. Smith of Halifax received 28 votes. For the Second District Thomas Ruffin of Wayne received 59 and George G. Green of New Bern. 46 votes. In the Third and Fourth districts Thomas D. McDowell and Abraham W. Venable were elected over Walter F. Leak and A. H. Arrington. In the Seventh District Burton Craige was elected, but in the Fifth John M. Morehead was chosen by a vote of 64 over John W. Cunningham, the

Democratic candidate. R. C. Puryear was elected in the Sixth over Rufus L. Patterson, who was voted for by the Democrats, and A. T. Davidson in the Mountain District over N. W. Woodfin, the candidate of the Democrats.

An ordinance was adopted to appoint a board of claims to settle all accounts between the counties and others with the State. Messrs. B. F. Moore, P. H. Winston, and S. F. Phillips, all former Union men, but of the first capacity, were selected, the delegates not dividing, however, on party lines.

### Appointments

On the next day, as if because of dissatisfaction with the result of the Congressional election, at the instance of Kemp P. Battle, there was adopted a resolution asking the Governor for information with reference to the appointment of military officers, which was doubtless intended as a partisan attack on Governor Ellis; for these appointments do not appear to have been a subject of proper adverse criticism. Gen. Walter Gwynn, formerly of the United States Army, an engineer of high reputation, had been assigned to the defense of the Northeast; Gen. Theophilus Holmes, the senior officer from North Carolina, who had resigned from the United States Army, had been given command of the Southeast. The colonels appointed to the eight regiments of State Troops, then organized, were all men of military experience, with the single exception of Col. Charles Fisher, who had been one of the foremost men in the State to undertake the organization of a regiment, and he gave up the presidency of the North Carolina Railroad to take the field. It is to be remarked that it was a subject of just pride to most North Carolinians that the regiments of State Troops, whose officers were appointed by the Board of War, were provided with officers of superior merit, attesting at once the excellent judgment and the patriotism of the Board. Nor was there any evidence of nepotism.

Superior  
selections

The Convention, by virtue of its representing the sovereignty of the State, assumed power over the General Assembly and while some proposed that the existing Legisla-



Speaker  
Clark act-  
ing Gov-  
ernor

ture should be dissolved and a new election held, others thought differently but that the date of the meeting should be postponed. The latter prevailed, and an ordinance was passed postponing the meeting from June 25 to August 15. The health of Governor Ellis had been failing, and, under the pressure of arduous duties, his malady made rapid inroads upon his constitution. He remained at his post of duty until the last moment, but at length, under the direction of his physician, he went to the Red Sulphur Springs in Virginia; and on the morning of the 27th the Convention sent a messenger to inform Hon. Henry T. Clark, Speaker of the Senate, of the Governor's absence from the State and requested his presence in the city to assume the duties which, under the Constitution, devolved on him, and the Speaker entered upon the duties of governor, as Warren Winslow had done some years earlier.

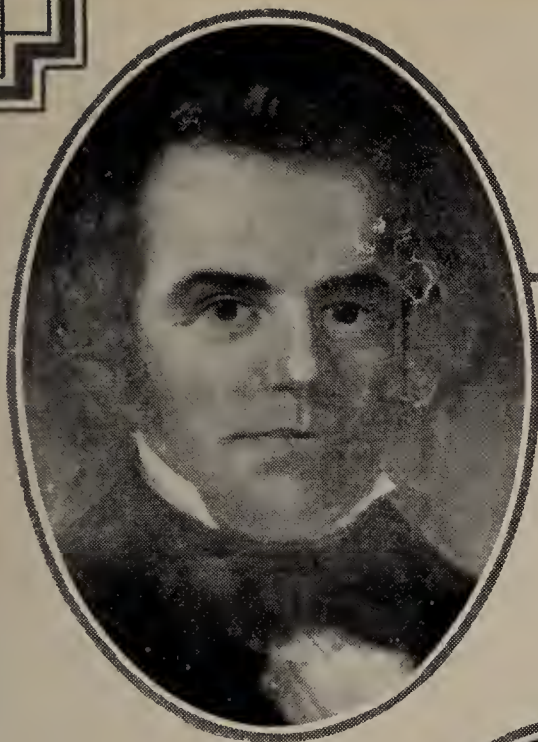
Towards the close of June the personnel of the Convention had changed in some measure; several members having resigned to take positions in Congress or in the military service. Fifteen members who voted for Edwards entered the military service, and eight of those who voted for Graham; and four of the members who voted for Edwards were elected to Congress, and one who voted for Graham.

Finally, on June 28, the Convention adjourned to meet again on November 18.

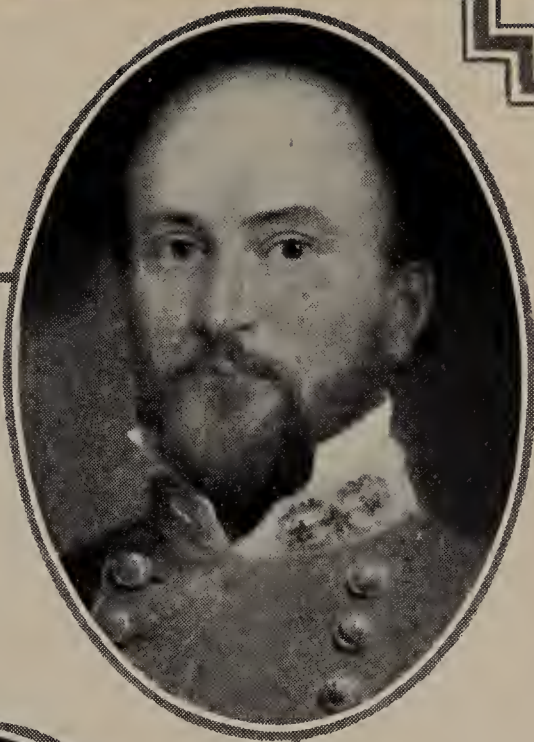
Death of  
Ellis

Governor Ellis had fallen into ill health, but, pressed by his exacting duties, he had delayed following the advice of his medical advisers to husband his failing strength. Toward the end of June, when already within the shadow of death, he sought some benefit from the waters of the Red Sulphur Springs in Virginia, where profoundly lamented, he expired on the 7th of July. His remains were borne through Virginia with military honors, and at Petersburg they were formally committed to an escort of the Ellis Light Artillery, who conveyed them to Raleigh. All business was suspended and the city was draped in mourning. The bells tolled, and half-hour guns fired throughout the day. A civil and military cortege escorted the remains first to the State Capitol, and then to the Mansion, where

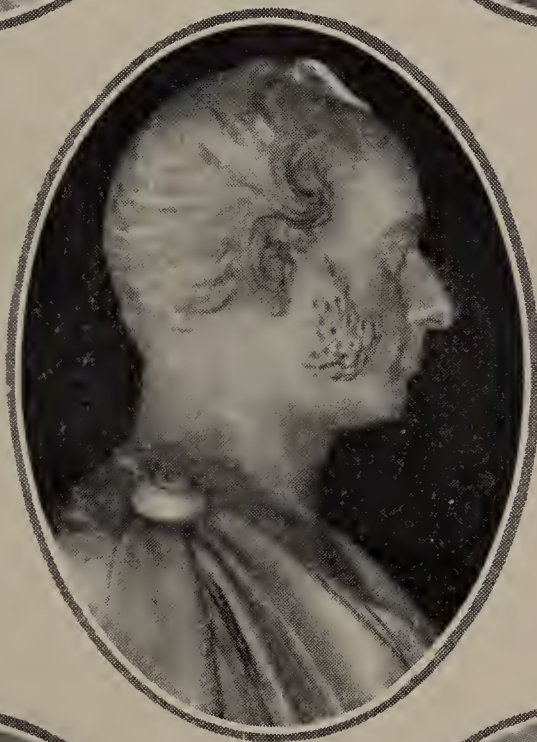




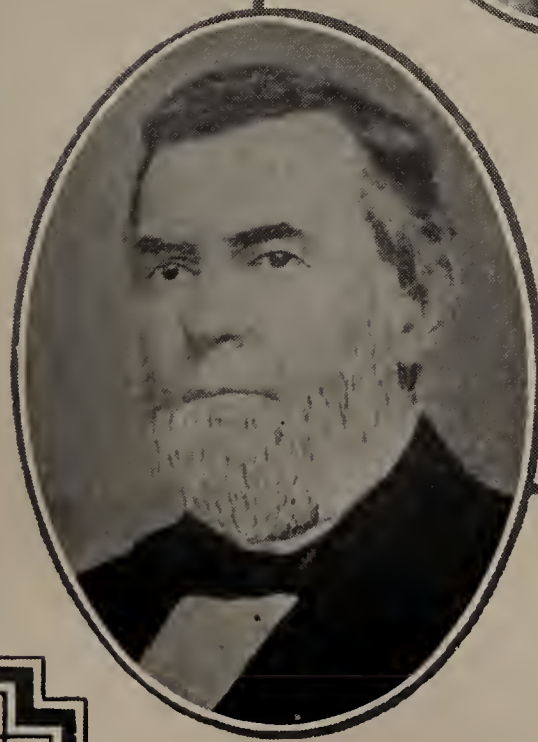
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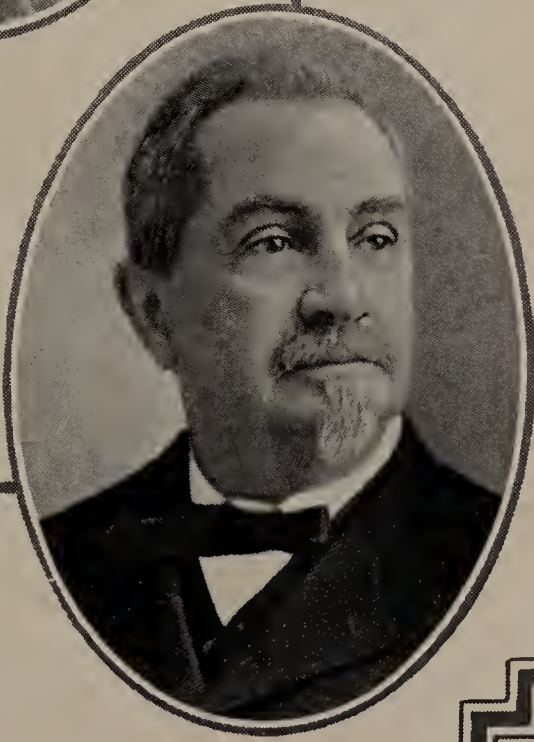
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3



4



5

1. Henry T. Clark

4. Thomas Bragg

3. John W. Ellis

2. James G. Martin

5. George Davis





religious services were held. The next morning, with an escort civil, military, and Masonic, the body was interred with solemn ceremonial in the family burying ground at Holtsburg, in Davidson County.

Speaker Clark at once took the oath and entered upon the discharge of the duties of governor. Governor Clark was a planter, who had been called to preside over the Senate because of his high character and personal worth rather than because of distinguished talents. Candid, upright, and of inflexible virtue, prudent and wise in his administration, he commanded the respect of all factions; but he had no great administrative ability, nor was he ambitious of conducting the affairs of state during the turmoils of a great war. He made no changes in the personnel of the staff, maintained the settled policy of the State, and manifested wisdom and patriotism in seeking to enlarge the powers of General Martin, the efficient Adjutant General of the State Troops, whose able administration justified every confidence.

Clark,  
Governor

As men enlisted and companies were formed, the immense value of the North Carolina Railroad and of the other railroads in affording adequate transportation came to be realized. The benefits of immediate transportation were incalculable.

To succeed Charles Fisher as President of the North Carolina Railroad when, in 1861, he went to the front, Paul C. Cameron was selected; while William J. Hawkins was President of the Raleigh & Gaston; William S. Ashe of the Wilmington & Weldon, and on his death in 1862, Stephen D. Wallace. Those lines afforded not merely State transportation but the only means of transportation from the south to the battlefield in Virginia. Thousands of soldiers, their provisions, equipments and munitions had to be continually transported. The issue depended on their efficiency. There were no facilities to renew rolling stock, or railroad iron, or any of the appliances necessary for repairs. The difficulties strained every nerve. But Hawkins, Cameron and Wallace managed to maintain efficient service; and their work was equal to that of a general in the field, and it was so



admirably performed that their several administrations continued all through the war and until years afterwards.

Regiments  
march

The work of forming regiments had continued with no abatement of zeal. Towards the end of June the Fifth Volunteers, Colonel McKinney, moved from Garysburg to Virginia, and was stationed at Yorktown, near the Bethel regiment. About the same time, the Sixth elected Stephen Lee Colonel, and in July proceeded to Western Virginia to reinforce General Garnet, who was hard pressed by General Rosecrans. There Colonel Lee soon won the high regard of all his superiors, being particularly distinguished as a "most efficient officer." Overcoming unusual difficulties, he pressed forward and occupied an important position on Middle Mountain, and held that pass under trying circumstances.

Colonel Lee

The Seventh Volunteers, composed of companies raised in the northeastern counties, was assigned to the defense of the seacoast. Its colonel was W. F. Martin, greatly beloved in that region. The Eleventh Volunteers, W. W. Kirkland, colonel, was, on the 17th of July, ordered to report to Beauregard at Manassas, where it arrived on the next morning and was assigned to Benham's Brigade. The Twelfth early in July elected as its colonel J. Johnston Pettigrew, formerly of Tyrrell County, who had won a distinguished name at the University, but had removed to South Carolina. He had been a student of military affairs and had seen service at Charleston. It reported to General Holmes at Acquia Creek, on the Potomac. The Thirteenth, about the same date, elected for its colonel John F. Hoke, Adjutant General of the State. Under his administration, all of the volunteer regiments had been organized, and his efficiency led to his election to command a regiment in the field. Until the Legislature should appoint another Adjutant General, the duties of the office were assigned by Governor Clark to General Martin, a brother of Colonel Martin.

Colonel  
Pettigrew

Early on the morning of the 21st of July, Colonel Hoke's Regiment, being then at Richmond, was ordered to Manassas, but was sidetracked en route, and so delayed that night came on before it reached the field.

The Fourteenth was organized at Weldon about the first of July, electing W. J. Clarke Colonel. It joined General Floyd, then in the region of the Gauley River in Western Virginia, and saw hard service in that mountainous country.

Simultaneously with the organization of these volunteer regiments, that of the three-year men was proceeding with equal rapidity.

In July, the First State Troops, Colonel Stokes, joined Holmes's Brigade at Acquia Creek; the Second, Colonel Tew, was stationed on the Potomac; the Third, Colonel Meares, was assigned to Holmes's Brigade; the Fourth, Colonel George B. Anderson, was, about the end of the month, ordered to Manassas, where Colonel Anderson later became the post commander; the Fifth, Colonel McRae, reported to General Longstreet at Manassas on the 19th of July; the Sixth, Colonel Fisher, was the first of all to perfect its organization. After acting as escort at the funeral of Governor Ellis, it proceeded to Winchester and was assigned to Bee's Brigade.

The State  
troops

The supply of arms secured from the arsenal at Fayetteville had enabled the State to arm the men as soon as they reported at camp, and all of these regiments were formed from companies that had been long in camp and were well drilled, as well as efficiently officered. Thus fortunately from the first, the North Carolina troops took the field under auspicious circumstances. Their officers were of superlative merit; the men not only enthusiastic, but disciplined soldiers.

Disciplined  
soldiers

Besides the infantry regiments, artillery and cavalry companies were likewise being formed, and the State was also preparing the seacoast defenses. It was a time of great activity. To procure clothing, equipment, and a supply of food and medicines taxed the energies of the staff, but no state surpassed North Carolina in providing for her soldiers.

In addition to Camp Mangum at Raleigh, there were camps of instruction near Warrenton and at Asheville, Garysburg, and other points. As the regiments organized and marched to the front, they were brigaded under the command of general officers appointed by the Confederate



authorities. Virginia was necessarily to be the battlefield, and the points of threatened conflict were in Western Virginia, on the Potomac, at Harpers Ferry and lower down, and in the vicinity of Fortress Monroe. As we have seen, most of the North Carolina regiments were stationed near Norfolk and Yorktown, where columns of Federal troops threatened the interior; but the most important clash of arms was to occur elsewhere.

### **At Manassas**

July 21,  
1861

McDowell's  
army

On Sunday, July 21, the greatest battle ever fought in the New World—up to that time—took place near Manassas. General Beauregard, with a considerable force, had for some time occupied a strategic point on Bull Run, west of the Potomac, near Washington, with advanced post at Centreville and Fairfax Station. A fine Federal army was held at Washington, under General McDowell. Further to the west, another Federal army was posted at Harpers Ferry, under General Patterson, in whose front was General Johnston at Winchester. About the middle of July the Federal government, being ready for offensive operations, directed McDowell to advance, brush Beauregard aside, and proceed to Richmond. McDowell's army was so well appointed, so superior in numbers and equipment, that it was regarded a holiday movement for it to drive off the Confederates and take the Confederate capital.

The local  
situation

On the 16th of July the Federal army, in magnificent array, proudly entered Virginia, confident of triumph; two days later it appeared at Centreville, near the lower fords of Bull Run. Along there the stream runs nearly east, and Beauregard had taken a position on the southern side, where he expected the crossing to be made. Higher up, the course of the river is from north to south; but at a distance of four miles it again bends directly to the west, towards Sudley Springs. About midway of the north and south stretch was Stone Bridge, across which ran, almost east and west, the pike from Centreville to Warrenton; and from Sudley Springs a good road ran south to Manassas, crossing the pike at Stone House, about a mile west of

Stone Bridge. In the northeastern angle made by the intersection of these two roads was the Matthews Hill, and nearly a mile to the south, in the southeastern angle, was the Henry Hill, rising more than a hundred feet above the river. Young's Branch ran east between these two eminences; with a deep ravine on the east of Henry Hill, toward the fords and Stone Bridge, where Cooke's Brigade and fourteen companies under Colonel Evans were stationed to guard Beauregard's left. The Confederate forces at Manassas originally numbered less than 22,000, but 6,000 more had arrived by the morning of the 21st. The Federal army consisted of 55 regiments of volunteers, 8 companies of regulars, infantry, 9 of cavalry, and 12 batteries with 119 guns, a total force nearly twice as large as that of the Confederates.

The armies

McDowell had advanced a strong force to the lower fords, where Beauregard prepared to meet him, but misleading Beauregard, at daybreak on Sunday, the 21st, he marched with three divisions, numbering 16,000 men, to the west, and crossed at Sudley's Ford, two miles beyond Stone Bridge, and took the road to Stone House. It was a masterly movement, turning the Confederate position, and striking Beauregard on his exposed flank, five miles away from the main Confederate force. Colonel Evans sought to meet this advance toward his rear by taking possession of Matthews Hill; and in the early morning the battle began at this unexpected point, with Johnston and Beauregard several miles away awaiting the expected attack at the lower fords. Bee, Hampton, and Jackson were ordered to Evans's aid, but the significance of McDowell's movement was not at first understood. It was not until eleven o'clock that Beauregard realized the true situation. Then Holmes and Early and others were also ordered to the support of the left; but they were miles away, and were long in arriving. The line of battle was at right angles to the original line of defense, and the great superiority of the Federal force enabled it to envelop the narrow Confederate front. Bee, Bartow, Cooke, and Evans, after a stubborn fight of several hours, were driven from Matthews Hill, and retired to the ravine to the

McDowell's  
flank move-  
ment

The first  
clash



Jackson  
arrives

east of Henry Hill. At this critical moment disaster was imminent. But Jackson then arrived and took position on the left and in advance of the ravine in which were huddled the remains of the shattered brigades, disorganized and unresponsive to the appeals of their officers to rally and reform. Strong masses of Federal infantry were rapidly advanced on the Henry Hill, and Bee, exhausted and in despair because of his fruitless efforts to rally his men, cried out to T. J. Jackson, amid the confusion and carnage wrought by the heavy artillery fire: "General, they are beating us back." Jackson replied with resolution: We will give them the bayonet." Jackson's determination gave new life to Bee, who galloped back to his demoralized troops, shouting: "Look! There is Jackson standing like a stone wall. Follow me!" A number rallied and followed him; and along with Jackson he charged, but only to meet his death. From that day Jackson became known to fame as "Stonewall."

Death of  
Bee

Soon Johnston and Beauregard, hastening from below, reached the field, and it was arranged for the latter to have command at the front, while Johnston should take post at the Lewis House in the rear, the better to direct the movement of the troops as they should arrive.

Fisher  
arrives

In the march from Harpers Ferry to the railroad station at Piedmont, Fisher's Regiment had become separated from Bee's Brigade, and its turn for transportation would have long delayed its departure. But there was a derailment on the road, which Colonel Fisher volunteered to repair. In recompense for this valuable service, he was allowed to proceed on the first train, and thus the Sixth Regiment reached Manassas soon after noon on the 21st. Hearing the firing, Colonel Fisher hurried to the front, making his way to the sound of the guns. As he passed the Lewis House, General Johnston directed him to go to the left. It was then half past two o'clock. Kershaw's and another regiment followed Fisher, and they too were directed to the left. Meanwhile other regiments from the lower fords from time to time had strengthened the right and center, where the battle raged incessantly.

Johnston,  
p. 51

The Federals, however, with greater numbers, continued to extend their line to the west. Their advance was accompanied by several fine batteries—one Ricketts's, being the most famous in the army. It had been posted far to the front, and its fire had been destructive. At about three o'clock, a section of it moved to a position on the southern brow of the Henry Hill, close up to the Confederate line, and opened with great effect. Henry Hill

On receiving directions from General Johnston, Fisher led his regiment to the west, and up a deep ravine towards the Henry Hill, marching by the flank. The ravine ended just in front of the position in which Rickett had placed a section of his battery a few moments before Fisher emerged into the open. On the appearance of Fisher's Regiment, so close to the battery, it was mistaken for a Federal regiment; but quickly the companies formed front, and, at about eighty yards from the battery, delivered a volley that was fearfully destructive. The Eleventh and Fourteenth New York were in line to support the battery, but they were thoroughly demoralized by the effective fire of the Confederates at short range; and, making but slight effort to resist, fled from the field. The Sixth now charged the battery, which consisted of a number of Parrott's rifle guns, killing and disabling the men and horses, and took possession. When they reached the guns they found every horse killed and the ground covered with the bodies of the dead and wounded artillerymen, and of the Brooklyn Zouaves and the Second New York. The field was cleared. At the guns collected Major Webb, Captains Avery, Craige, and Parrish, and Lieutenants White, Burns, McPherson, Smith, Roseboro, Lockhart, and Willie P. Mangum, surrounded by their jubilant soldiers. Colonel Fisher had passed by the guns toward the west, and was observed to wave his rifle above his head in triumph. Mangum, exclaiming, "I am so tired," threw himself on the ground in the shade of one of the pieces. There was no enemy in sight, and for a few moments the quiet was unbroken. Some five minutes elapsed, and then a regiment clad in gray appeared on the left and began firing, which the Sixth

Reg. Hist.,  
I, 345



Death of  
Fisher and  
Mangum

began to return; but the officers believing it a Confederate regiment, directed the men to cease firing. However, the other regiment continued to fire, and Colonel Fisher fell dead, as also did Lieutenant Mangum, who had remained at the guns. Presently, the other regiment disappeared, and no enemy being in sight, the Sixth retraced its steps and returned down the ravine to its first position.

Effect of the  
encounter

The annihilation of this battery and the withdrawal from the field of the two New York regiments on the Federal right disorganized the Federal advance, arresting its progress, and was the first distinct reverse that turned the tide of its victorious onslaught. Almost simultaneously, Beaugard rushed forward his entire line on the east of Henry Hill, and the Federals were driven from the plateau back beyond the Sudley Road. But fresh regiments continued to arrive, swelling McDowell's force, and he made a great final effort, with a front extending from the Matthews House far to the west and south, and threatening to sweep the field. Yet on the Confederate side there was also important accession; Kirby Smith's Brigade arrived, taking post on the left, where it checked the Federal advance. Early, who had passed still farther to the west, now moved up and vehemently fell upon their flank and rear, and the Federal right, unable to withstand the double attack, gave way.

Reinforce-  
ments arrive

### **The Federals give way**

Suspension  
bridge

The Confederate regiments, among them the Sixth North Carolina, now pushed their advantage with great vigor and enthusiasm, and the Federals, broken and dismayed, retired in disorder from the field. Crossing Bull Run pell-mell, the routed columns precipitately fled toward Centreville, and at the entrance of the suspension bridge on the pike, some two miles away, met the Federal reserve from the lower ford also retiring, the one preventing the passage of the other. The pursuing Confederate batteries now began to play with great effect upon the confused mass of disorganized Federals, throwing them into a fearful panic. The pike became completely blocked. A barricade was

Panic

formed of cannon, caissons, ambulances, and wagons, which the drivers hastily abandoned, with horses and harness complete. The soldiers in their mad efforts to rush on, threw away their muskets, accoutrements, and haversacks. A vast quantity of spoils was subsequently gathered up by the Confederates at that point. All efforts to arrest the shameful flight were unavailing, and the splendid army that had just marched so proudly to the front rushed back to Washington, a terrified mass of disorganized soldiers. Seldom has an army been so thoroughly destroyed by a single stroke as McDowell's was on that fateful Sunday. Two days later the Confederates were holding Vienna and other points near the Federal capital.

The result of this first great battle brought wild joy to the people of the Confederacy. The enthusiasm it created was prodigious. It seemed to show the superiority of the Southern soldier and gave full confidence of ultimate success. But there was cause for mourning. In the joyful tidings of the complete destruction of McDowell's army, were mingled accounts of the death and wounds of those who had fallen victims in the encounter. A wave of sorrow and of sympathy swept over the land, while hearts swelled with pride at the glorious victory. The entire Confederate loss was 376 killed, and 1,489 wounded, while that of the Federals was much greater, 955 killed, 2,004 wounded, and some 3,000 missing. There were but three North Carolina regiments present. The Fifth was on duty at the lower fords; Kirkland, in Benham's Brigade, was not engaged until the rout, when it joined in the pursuit. The loss of the Sixth was 15 killed outright, and 53 wounded. The State deeply mourned the deaths of Fisher, Mangum, and the brave men who fell with them; and Fisher's name was perpetuated by calling the extensive fortifications at Confederate Point in his honor; and at the next session the Legislature adopted resolutions extending sympathy and condolence to Mrs. Willie P. Mangum on the death of her lamented husband, Judge Mangum, and of her only son.

Enthusiasm  
in the South



**Congress refuses to sustain the President**

July, 1861

Richardson,  
VI, 31

Ibid., 24

Globe, LVI,  
44

Ibid., 45

The states, when framing the Constitution, having denied to Congress the right to make war on any one of themselves, and Mr. Lincoln in disregard of the Constitution and of the will of Congress having, with the aid of some governors, precipitated a war, he postponed calling Congress together until the Fourth of July. When it met, after making in his message a statement of the several steps that had led to the bombardment of Sumter, Mr. Lincoln said: "So viewing the issue, no choice was left but to call out the war powers of the government." Referring to the measures he had taken, he said: "Those measures, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity, trusting then as now that Congress would ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress"; not the constitutional competency of the President, but of Congress.

The President had not merely made war, but had suspended the writ of habeas corpus and had increased the army without authority. The first resolution offered in the Senate was one "to ratify and confirm the acts of the President, making them legal and valid as if done by previous authorization." At once there was objection and debate. The Republican Senators did not care to declare legal infringements of the Constitution. Senator Baker of Oregon thought that the South could be subjugated by February; Mr. Seward always said "in ninety days." Mr. Baker favored "reducing the population to abject subjection to the sway of the government." He said: "We may have to reduce the Southern States to the condition of territories and send from Massachusetts or from Illinois governors to control them. . . . I would do that."

Senator Polk of Missouri examined the whole proceedings. He declared that the act of 1795 authorizing the President to call out the militia had no application; that Congress alone had the right to declare war, "that the President had usurped the war powers of Congress," and

had "usurped" other powers. That Congress had been denied the power to make war on any state, and that the last Congress had declined to do that. But though Congress would not, yet—"we are in the midst of a war monstrous in its character and hugely monstrous in its proportions brought on by the President of his own motion and of his own wrong."

Globe,  
LVI, 47

Ibid., 47, 49

And so the debate went on from time to time. In the meanwhile Mr. Lincoln had prepared an army to invade Virginia; and Beauregard was guarding the graves of Washington and Jefferson and Patrick Henry and Madison and Monroe, and the homes of the kindred of those ancient worthies. At length the advance was to be made, and it is said a number of Congressmen went out to witness the unusual sight and see the fun; among them perhaps were Senator Baker and Senator Chandler and Thaddeus Stevens, who always held that the entire proceedings were outside of the Constitution. They saw the advance and were in the panic.

Whatever may have been individual fancies and theories, now Congress was up against war: "Right or wrong, our country," and it acted with patriotism in increasing the army and navy. But as for declaring valid some of the President's acts, Senator Breckinridge asserted on August 2 that he "knew that the Senators would never vote for the resolution." The resolution was before the Senate fifteen times, and eventually on the last day of the session, August 6, it was referred to the Judiciary Committee, and was not passed.

Ibid., 47  
302-453



## CHAPTER XLI

### HOSTILITIES RECOGNIZED AS WAR

The Confederate government.—Absence of supplies.—In the State.—The navy.—The sounds.—General Hill.—The lower Cape Fear.—The transfer of troops.—August 20, Gatlin in command.—Organization lacking.—French at Wilmington.—New regiments.—Clingman and Vance colonels.—The Assembly.—Speaker Clark.—The fall of Hatteras.—Butler demands full capitulation.—Recognition of prisoners of war.—Kautz.—First exchange.—Effect of the disaster.—At Raleigh.—Military Board abolished.—Martin adjutant and general-in-chief.—Civil affairs.—Feeling against Convention.—Election of Senators.—Davis.—Dortch.—Assembly adjourns.—New regiments.—Bethel Regiment.—North Carolina's contingent.—Interest at west greater than at the east.—The war feeling in the State.—Divergences.—Roanoke Island.—Shaw in command.—The Federals at Hatteras.—At Chickamacomico.—Lynch makes a capture.—The proposed attack.—The Indianians driven off.—General Hill's action.—Asks for negro labor.—He calls for militia to work.—Friction results.—At his request, assigned to the field.—Roanoke Island attached to Norfolk District and command vested in General Wise.—Unfavorable conditions.—The Federal fleet at Hilton Head.—Lee given command of South Carolina.—The Convention.—Salt.—The Worths.—Prices.—Danville connection postponed.—Oath of allegiance and forbidding traitorous acts proposed.—Graham opposed.—Lines drawn.—Postponed.—Confidence in President.—Biggs Confederate judge.—More troops.—Expenses.—Confederate tax assessed.—Special taxes.—Piedmont railroad chartered.

1861

Dearth of  
supplies

The Confederate government was a sudden creation, the development of unexpected circumstances, and it had none of the resources of established governments, no arsenals of construction, and no magazines of supplies. There was an absolute dearth of munitions of war. The foundries of the Tredegar Iron Works at Richmond, however, soon began to cast cannon, and efforts were made to improvise facilities for the manufacture of equipments, and a powder mill was started near Raleigh. Every battery constructed needed guns, cannon balls and gun carriages, as well as powder. So scant was the supply of powder that the situation was grave, so grave that the officers in responsible position were greatly depressed. All during the summer

this condition continued. At length in September a vessel arrived at Savannah with a cargo of munitions, and from the Bureau of Ordnance came this cry of joy: "A steamer from England has come into Savannah with powder (thank God!), blankets, and munitions of war. I am glad to say that our prospects for a plenty of this munition are improving, and on yesterday, I had the pleasure of obtaining a quantity of saltpeter and sulphur from a mill in Raleigh. Good news, is it not? I confess my breath comes easier now that our prospects are not so blue." The difficulties and obstacles in the way of preparation of remote batteries at inaccessible points were almost insuperable. But the officers were indefatigable in their efforts and spared no exertions. Their enthusiasm and determination overcame difficulties that seemed insurmountable.

1861

The first cargo

Naval  
Records,  
Series II,  
Vol. VI, 731

From the first, preparations for seacoast defense had proceeded with activity. Energy and enterprise were developed among men not trained to arms. Enthusiastically they worked to build earthworks and equip them, but facilities and supplies being lacking, the progress was slow, and results not effective. North Carolina had early taken steps to provide a small naval force for the protection of her sounds. She purchased at Norfolk a small sidewheel steamer, naming her the *Winslow*, in honor of Warren Winslow, but her equipment was only a single gun. The command was bestowed on Captain Thomas M. Crossan, a former naval officer, who brought her into Pamlico Sound. Captain Crossan was active in cruising off the coast and succeeded in capturing several merchantmen. Among his prizes was the brig *Hannah Balch*, which had been seized by the Federal fleet near Charleston and was on its way to the North under the command of Lieutenant Albert Kautz of the United States Navy, who thus became a prisoner to the State. He was paroled at first in Warren County to Crossan's farm, and later was allowed to reside in Virginia.

Seacoast  
defenses

The navy

The next vessel put in command was the *Beaufort*, Captain Duval. The *Raleigh*, Captain Joseph W. Alexander, and the *Ellis*, Commander Muse, soon followed. These



1861

small cruisers were so watchful and enterprising that in six weeks they captured eight schooners, seven barks, and one brig, all with good cargoes. These frequent losses greatly excited and exasperated the Northern merchants, and at their instance cruisers were stationed off the coast.

### Ocracoke and Hatteras

General  
Gwynn

To secure the safety of the sounds, early in the war General Walter Gwynn, a graduate of West Point and an engineer of distinction, had been employed in planning defenses. General Gwynn in the past had had some association in the State; he had also been employed at Charleston until the fall of Sumter, and then at Norfolk. Fort Morgan was erected at Ocracoke, and Hatteras Inlet was defended by Forts Hatteras and Clark. The former, mounting twelve smooth-bore 32-pounders, was constructed south of the inlet, at a point almost surrounded by water, the only approach being over a narrow tongue of land within easy musket range. Fort Clark, a smaller work, mounting five guns, was about a mile distant and half way between the sound and the inlet. Here was stationed Capt. John C. Lamb of the Seventh Volunteers, and a small garrison. At Fort Hatteras there were eight companies of the same regiment, under Colonel Martin; and to man the guns there were some detachments of the Tenth North Carolina Artillery, under Major W. C. Andrews. Indeed, the work of construction at Hatteras, under Major W. B. Thompson of the Confederate Engineers, had progressed so satisfactorily that on July 25 he reported to Warren Winslow, the Military Secretary, that both Fort Hatteras and Fort Clark were completed, and he considered the inlet secure, although the garrison should be increased. These forts had been well constructed, and the best cannon available had been sent there.

Naval  
Records,  
Series I,  
Vol. VI, 713

Much work had likewise been done to strengthen Fort Macon. But supplies were deficient and there was no skilled ordnance officer at that fort.

### The Cape Fear

On the Cape Fear conditions had been more favorable. The energy of Major Whiting and of Captain Childs had borne fine fruit, and the superior facilities furnished by the established industries of Wilmington were utilized to provide equipments. Although Major Whiting and Captain Childs were soon transferred to other fields of usefulness, the work of preparation was efficiently continued under the superintendence of Col. S. L. Fremont, the Superintendent of the Wilmington and Weldon Railroad, who had been an artillery officer, and who zealously coöperated with Captain Winder, the accomplished engineer.

At length the 20th of August arrived when the North Carolina troops were to be transferred to the Confederacy, and the defense passed into the hands of the Confederate government. Immediately, the next day, Gen. R. C. Gatlin, a North Carolinian of the Old Army, was assigned to the command of the Department of North Carolina, and the President sent his aide-de-camp, Col. Custis Lee, to inspect the forts on the coast, and report their condition and necessities.

August 20

Naval  
Records,  
Series I,  
Vol. VI, 750

General Gatlin established his headquarters at Goldsboro, and sought to organize the department, but the points to be defended were so far separated and so difficult of access that he experienced insurmountable obstacles in his work. Under the arrangement made by the State, the State officers of the Engineer and Artillery Corps engaged in construction, not being transferred, were dropped, and it became evident that the Convention had been inadvertent to contingencies. The Confederate authorities, pressed by the advancing columns of the Federal forces from Missouri to Fortress Monroe, were unable at once to send officers to continue the work, and the State system, under which construction had been in progress, fell with nothing to replace it. Disorganization necessarily resulted. To some extent the defense of the great sounds was embarrassed; but the local companies and their officers did the best they could.

August 20,  
1862



**Confederate Point**

The situation on the Cape Fear was more fortunate. By some temporary arrangement, Colonel Fremont was continued as a colonel of artillery, and Captain Winder and his associate, Lieutenant Ashe, remained at their post without rank or pay, building and equipping batteries and perfecting the defenses. At that time a casemate battery was constructed at Confederate Point, using palmetto logs, railroad iron, and sand bags. Also two batteries were erected along the beach toward the head of the sound, and Captain Winder's plan of defense provided for a covered way from the head of the sound to the redoubt at the point. Maj. J. J. Hedrick was in command at the point, and was very active and efficient in erecting the earthworks there.

Fort Caswell remained under Colonel Cantwell for some months, the garrison being well drilled and the fort being in a fair state of defense; but eventually Colonel Brown, an artillery officer of experience, was assigned to the command.

In October, Gen. J. R. Anderson was assigned to the command of the district of the Cape Fear, but later he was replaced by General French, who was particularly active in pressing forward the fortifications, calling on the planters for the use of 450 negro men for that purpose.

**The new regiments**

The action of the Convention in directing that recruiting should cease had thrown a damper on those who were raising companies, but the victory at Manassas awoke a new enthusiasm and the enlistment of men received a strong impetus. New regiments were speedily organized, and because of the inconvenience of having two sets of regiments with the same numbers, a change was made in numbering the volunteers. The ten regiments of three-year men were accorded priority, the Second and Third Volunteers becoming the Twelfth and Thirteenth; and thus on down the list. So the next volunteer regiment formed was called the Twenty-fifth. It organized at Asheville, electing Thomas L. Clingman Colonel, and hurried to Wilmington. But

hardly had it moved when another favorite son of Buncombe County, Zeb Vance, a former political opponent of Clingman, now colonel of the Twenty-sixth, led his regiment to the defense of New Bern, where he was soon joined by the Seventh State Troops, under Col. Reuben Campbell, an experienced officer of the Old Army. The war spirit was now running very high in every part of the State, and as the middle of August approached and the Assembly was about to meet, much interest was felt as to its possible action in regard to enlistments.

### The Assembly

The Assembly met on the 15th of August, and Speaker Clark opened the session of the Senate with a declaration that as Speaker he was discharging the functions of Governor, but that he was still Speaker, and he continued to act in that capacity, not vacating the chair. As Governor, however, he sent a message to the Assembly. In it he referred to the unanimity of the people of the State in the great struggle, declaring that it was so highly to their honor that it embellished their history. "Men," he said, "who but yesterday were fronting each other in fierce and angry debate, on this very issue, are today marshaled side by side in the same ranks, banded like brothers and staking their lives, their fortunes, and their sacred honor in the common cause." He had, however, found that because of the action of the Convention companies had disbanded and a check was given to volunteering. The State's naval armament, as well as the regiments, had been transferred to the Confederacy, and an inspection had been made by Confederate officers of the coast fortifications preparatory to assuming command. But much remained to be done. Clark took the responsibility of varying somewhat the policy prescribed by the Convention, and urged that the State should persist in creating and maintaining an army of her own. The power of the Assembly to legislate, he asserted, remained unimpaired by the Convention, and he called on the Legislature to exercise its functions and embody a force for the defense of the State. The hurried demand for troops



to meet the enemy in Virginia had strained the ability and power of the State. It had been the aim not only to equip the troops thoroughly, but to furnish them with every possible comfort. And he proudly mentioned that the State had been complimented on every side because it had sent to the front the best equipped troops in the field.

The Legislature was in entire accord with the Governor, and, unmindful of the expense, was proceeding to carry out his recommendations, when the fall of Hatteras came as a thunder clap and redoubled their zeal.

### The fall of Hatteras

Toward the close of August, 1861, there being a large Federal force, both naval and army, at Fortress Monroe, it was determined by Admiral Goldsborough and General Butler to make a descent upon the North Carolina coast and take possession of the entrance to the sounds. An expedition was organized under the immediate command of Commodore Stringham, consisting of the frigates *Wabash*, *Minnesota*, and *Cumberland* and the steamers *Susquehanna*, *Pawnee*, *Harriet Lane*, and *Fanny*, carrying 140 guns and accompanied by the army transport *Adelaide*, carrying 800 troops. These ships were in fine condition and were equipped with the best naval cannon then in use, long range heavy ordnance.

The Federal  
force

Leaving Hampton Roads on the 26th of August, during that afternoon they reached the vicinity of Hatteras. On their appearance Colonel Martin dispatched a pilot boat to Col. George W. Johnston at Portsmouth Island, asking for all reinforcements possible, and he ordered up the garrison of Ocracoke. All were inexperienced in warfare and in the effect of bombardment with great guns. There was a general impression that one gun on shore was more effective than several on moving ships, and the forts had been pronounced impregnable. The garrison expected to easily beat off the vessels, and the spirit of defiance ran high. But they suffered a great disappointment. The next morning the attacking fleet took position just out of reach of the

Spirit of the  
garrison

guns of the forts and, entirely secure themselves, fired with precision of target practice. Their fine guns of long range and superior metal gave them an advantage that was decisive. Captain Lamb soon exhausted his supply of ammunition in a fruitless cannonade, and the garrison at Fort Clark, incapable of effective resistance, returned to Fort Hatteras. On the other hand, the Federal force was under the direction of able and accomplished officers who acted with energy.

During the bombardment a detachment of three hundred German troops landed some three miles down the beach, unopposed, and on the withdrawal of Captain Lamb they took possession of the abandoned fort.

The Confederates now realized their unfortunate situation. They were helpless and could inflict no injury on their assailants. Moreover the security of their own position was imperiled. It was apprehended that a night attack would be made by the Federal forces from Fort Clark, and a large picket guard was thrown out to meet it. Responding to the call for help on the afternoon of the 28th, Colonel Johnston and Maj. Henry A. Gilliam arrived from Ocracoke with the companies of Captain Sparrow, Captain Gilliam, Captain Johnston, and Captain Sharp.

Sparrow's  
Narrative,  
Clark, 50

The vessels equipped by the State had in July been transferred to the Confederate States, and early in the night Commodore Barron, accompanied by Col. J. A. J. Bradford, Lieutenant Murdock of the navy and other officers, arrived with a small naval contingent, increasing the garrison to 781. But the vessels, although of light draft, could not approach near the shore because of shoal water, and it was far into the night before the munitions and provisions they brought could be landed. On the arrival of Commodore Barron, in view of his high rank and experience, the command was accorded him, and he subsequently conducted all the operations. Necessarily there was much excitement, and there was such confusion that the men got no rest, and they were utterly worn out and broken down by their all-night's work.



Withdrawal  
imprac-  
ticable

Sparrow,  
Clark, 52

Early the next morning the bombardment was resumed by the fleet with telling effect. As the shot from the old smooth-bore guns of the fort could not reach the distant ships, while a number of the garrison had been wounded, it was deemed useless to expose the men by manning the guns, and the fort ceased firing. After the bombardment had continued for some hours, there being no hope of successful resistance, and nothing to be gained by a protracted endurance, a council of officers was held, and it was determined to evacuate the fort. Steps to that end were taken, but the transfer of the men to the gunboats was found to be impracticable; and the fort being much damaged, the guns dismounted, and one of the magazines being reported on fire, the purpose to attempt an evacuation was abandoned, and without hope of either successful resistance or of escape, at a council it was determined to surrender. Commodore Barron thereupon ordered the white flag of capitulation to be raised, and he offered the surrender of the fort with the arms and munitions, but the officers and men to be allowed to retire, the former with their side arms. Gen. B. F. Butler, in command of the expedition, however, persistently declined to consider any terms except full capitulation, the officers and men to be prisoners of war.

### **The surrender**

Up to this time the Federal government and officers had regarded the Confederates as rebels or insurgents, and as not being entitled to be treated as prisoners of war, and this was the first recognition of the national character of the conflict. The terms imposed by General Butler were finally agreed to, and the surrender took place accordingly. Of the garrison two had been killed and thirty-four wounded, among them Lieutenant Murdock and other officers. Besides 670 men captured, 1,000 stands of arms and 35 cannon fell into the hands of the Federals. The prisoners, including Commodore Barron, Colonel Bradford, Colonel Martin and Captain Sparrow, were taken on board the ships and

conveyed to New York. Later, they were transferred to Fort Warren. 1861

While Lieutenant Kautz was on parole, the Federals having captured Lieutenant Loyall and some other Confederate naval officers, had tried them as pirates and condemned them to death. North Carolina, at the request of President Davis, delivered Kautz to the Confederate States, and he was held in Libby Prison as a hostage. Thereupon, his former roommate at Annapolis, T. W. W. Davies of Virginia, requested Mr. Davis to parole Kautz, and let him proceed to Washington City and seek to arrange an exchange. President Davis declined, saying that if Kautz were released he would not return. Davis then offered to take Kautz's place in the prison and himself be the hostage until Kautz's return. Unable to resist such an appeal, Mr. Davis allowed Kautz liberty to proceed to Washington and seek to effect an exchange, trusting to his honor to return. Arriving at Washington, Kautz found the Secretary of the Navy and the President both opposed to any exchange; but eventually they abandoned their opposition and belligerent rights were accorded to the Confederate naval and military forces. The first exchanges embraced Kautz and the naval officers, who had been condemned as pirates, and the prisoners taken at Hatteras and the Federals captured at Bull Run. Kautz and Davies Exchange of prisoners

### Effects of the disaster

The fall of Fort Hatteras and the capture of the garrison, composed chiefly of local companies, caused great sorrow and consternation throughout that entire region, and apprehension was felt that Roanoke Island and the towns on the sound would be immediately attacked and taken, and the adjacent part of the State laid open to the incursions of the enemy. Indeed, that disaster was the first that touched our people, and when information of it reached the interior, it was so unexpected, so at variance with the confidence that had been expressed that any attack would be easily repelled, that the public was greatly shocked. At Raleigh, where was always a disposition to criticize the Confederate gov-



ernment, it was said that North Carolina had made every exertion to meet the enemy in Virginia; she had responded to the requests of the Confederate authorities with unselfish zeal and had disfurnished herself in doing so, and now after her defense had been committed to the Confederacy, her own coast was not effectively defended. Mingled with the sorrow and regret and consternation were many unfavorable comments at the alleged indifference of the Confederate government or its inefficiency. However, in a measure the reverse awakened the people of the State to the possibilities of the war. Invasion was imminent.

### **The great sounds**

Sept., 1861

The great sounds were opened to the enemy's vessels, and the adjacent country was subject to incursions. But while the recognition of the possibility was depressing it stirred the people to patriotic endeavor and aroused the Legislature to determined action. Two commissioners were immediately dispatched to confer with the President about the defense of the State. An appropriation of two million dollars was made to be expended by the Governor to secure the coast and frontiers; but this fund, however, was to be used only in case the Confederate authorities should fail to begin all necessary work for effectual defense. In particular, the Governor was empowered to purchase five steamers to be made into ironclads for service on the sounds. The militia law was revised, and the one hundred and sixteen militia regiments were thrown into twenty-eight brigades, and provision was made for calling the militia into active service. On the call for troops the Governor was to apportion the number required among the militia regiments, the levy being so made as to equalize the quotas of the several counties. The Governor was to keep thirty regiments in the Confederate army, and more if needed. The ten regiments of State troops were to be completed and maintained and five additional companies of heavy artillery were to be organized, while eight regiments were to be enlisted as a reserve. Finally, the Governor was directed to raise 11,000 men for the special defense of the State. The Military Board had

State de-  
fense

exercised the power of appointing officers and, generally, had conducted the war on the part of the State. It was now abolished, but Warren Winslow was continued as Military Secretary for some months. Col. James G. Martin, Adjutant General of the State Troops, had so commended himself by the thorough discharge of his duties that every confidence was reposed in him. He had lost an arm in Mexico, and was an officer of much experience and great ability. The Assembly now unanimously elected him Adjutant-General of the State, conferring on him the rank of Major General, and, with the title of General-in-chief, invested him with the full command of all the forces of the State and placed every department under his control. And he proved equal to the demands of his great position: for his administration was characterized by vigor and intelligence, and every branch of the service was efficiently conducted. But his authority was limited to organizing, equipping and maintaining troops of the State, and he had no power to interfere with the military operations of the Confederate government.

General  
Martin

### Civil matters

Civil as well as military matters claimed the attention of the Assembly. That the Convention should perpetuate itself and exercise the power of legislation was widely discussed through the State, and shortly after the Assembly met sentiment unfavorable to the continuance of the Convention found expression in a proposition offered in the Senate to take the sense of the people as to whether it should reassemble; and, later, resolutions were introduced declaring that "a convention unlimited as to duration was dangerous to civil liberty and free institutions." This declaration, with regard to a body whose leaders esteemed themselves the particular guardians of civil liberty and free institutions, met with warm opposition from those in sympathy with them. A bitter controversy opened, and the respective partisans were warm and earnest. A motion to table the resolution failed by two votes; but, later, the contest was abandoned and the whole subject was laid on the table.

Senate Journal, second session, 199



**Tax on negroes**

Responsive to public sentiment, the Assembly, when framing a revenue bill, following the lead of the Convention, imposed a tax on negroes as property, thus inaugurating a change in the system of taxation that militated against the extension and perpetuation of slavery in the State. It was the fruition of the ad valorem campaign of 1860. In view of the unsettled condition of affairs, the State assumed the payment of the entire Confederate tax apportioned to North Carolina.

**Election of Senators**

While old party lines were measurably observed among the members, party spirit did not run to extremes, and the action of the Assembly was both conservative and patriotic. In choosing Senators personal preference and local considerations seem to have largely controlled the members. On the 27th of August, when the first vote was taken, only one Senator was balloted for. Judge Person, the distinguished Senator from New Hanover, who earlier in the session had been foremost in the advocacy of secession, led on the ballot, receiving 31 votes; Graham, 21; Bragg, 17; Clingman and Avery, 14 each: Reid, Davis, and five others followed.

Two days later, another ballot was taken for a single Senator, Person again leading, but W. T. Dortch, the popular Speaker of the House, coming next.

On the third ballot, the strength of both Bragg and Graham appears to have gone to Dortch, who received 52 votes and led Person by ten votes; but still there was no election. Then a change was made in the method of procedure. On the 6th of September two Senators were voted for, simultaneously, and twenty-two persons were in nomination. Clingman led with 38 votes, followed by Outlaw with 35. It was not until a week later, after many ballots, that any result was reached; the Whigs then dropping their own candidate and voting for George Davis, who received 79 votes, and was elected, the others standing, Clingman, 45; Dortch, 36; Avery, 31. On the next ballot the Whigs voted

Davis and  
Dortch

for Dortch, who was chosen by 71 votes; Avery receiving 34; and Clingman 26. In both cases it appears that the former Democrats divided between several candidates, although it was understood that Avery was the Democratic candidate, he being the incumbent; and the Whigs cast the determining vote against him.

Sept., 1861

Speaker Dortch having resigned to accept the Senatorship, a high appreciation of Augustus S. Merrimon was manifested by the support given him for Speaker of the House, but Nathan N. Fleming of Rowan, who had had longer legislative service, received the honor—a man of particular merit who, however, unfortunately fell in the battle of the Wilderness.

Merrimon  
and Fleming

The Assembly having made provision for the election in November of both presidential electors and of Representatives in the Confederate Congress when it should be organized under the permanent Constitution in February, and having completed its business, on 23d of September brought its session to a close.

### **Magnitude of the struggle**

As the months passed and the preparation for pressing the war progressed, it became more and more evident that the struggle was to be on a scale far exceeding anything ever thought of in America. The need for troops was great; and worse, guns were lacking for the men, and horses for the cavalry and artillery.

The Eighth State Troops was organized by Colonel Shaw at Warrenton, September 13th. The Ninth was the first cavalry regiment to organize, Robert Ransom, Colonel. The men had long been enlisted and horses had been obtained from Tennessee and Kentucky, but there was delay in obtaining sabres. Finally, in October, being fully equipped, they marched to Manassas. The Tenth Regiment was artillery, J. A. J. Bradford, Colonel, and John L. Bridgers, Lieutenant-Colonel. It was organized August 16th, and was composed of five light batteries, Ramseur's, Reilly's, Brem's, Moore's and Southerland's; and five heavy artillery .



companies, two of which, under Captain Andrews and Captain Sparrow, were captured at Hatteras, and the others were at Fort Macon.

The Twenty-seventh Volunteer Regiment elected George B. Singletary, Colonel, and was stationed at Fort Macon; the Twenty-eighth, James H. Lane, Colonel, was ordered to Wilmington. The Twenty-ninth, R. B. Vance, Colonel, crossed the mountains to serve in Tennessee; the Thirtieth, F. M. Parker, Colonel, was at first stationed at Fort Fisher. Toward the end of September the Thirty-first organized by electing J. V. Jordan, Colonel.

The Convention having authorized the formation of a second regiment of cavalry, in August the companies assigned to it assembled at Kittrell, and it became the Thirty-second Regiment. Arms and equipment could not at first be procured for this regiment, and it was not until October that it broke camp and marched to the eastern part of the State, even then not being fully armed.

The six months for which the companies composing the Bethel Regiment had enlisted having expired, that regiment was disbanded at Richmond early in November. Those companies, like the Wilmington Light Infantry and the Wilmington Rifle Guards, were indeed a nursery of officers. Four of the Bethel Regiment became generals; fourteen, colonels; ten, lieutenant colonels; eight, majors; twenty-eight, staff officers; fifty-seven, captains; and seventy, lieutenants. On disbandment the privates mostly joined other companies then in the field; while many of its officers served in the Eleventh Regiment, which was regarded as its successor.

#### **The first six months**

Thus in the first six months of the war North Carolina had sent to the front at least thirty-five thousand men, while many more were enlisted and were in camps of instruction. These troops came from every section of the State and the men of mountain counties, where the people relatively were not interested in slavery, were as swift to volunteer as those in the east. From Ashe to the Georgia line, the thir-

teen mountain counties, with 68,000 population, had furnished by the last of October 4,400 soldiers, one in fifteen, while the remaining counties furnished only one in nineteen. Whatever hopes had been built by the advisers of President Lincoln on the disaffection of non-slaveholders proved groundless. Major Bingham narrates that in his company, raised in Orange, out of ninety odd men there were only two slaveholders. It was largely the same in every part of the State—the non-slaveholders sprang to the defense of the State with the same alacrity as the others. Human nature, manhood and patriotism determined the action of men. When hostilities began the original contention passed from view, and men fought for their country and government. It was the South withstanding the invasion of the North. At any time the North could have ceased the slaughter President Lincoln and his friends had so needlessly inaugurated in their spirit of intolerance.

The non-slaveholders

### Divergences

But notwithstanding the general unanimity of the people, politicians were sowing the seeds of faction. In the Convention, some effort founded in faction had been made to displace Governor Clark and choose a new Governor, and in the Legislature Josiah Turner, ever an agitator, made a similar move, but without much comfort.

When the presidential electors came to be chosen, although there was no opposition to President Davis, the divergence was emphasized. The *Register* suggested a ticket composed equally of men taken from the old parties, Graham and Bragg being on it. But a second ticket proposed by the *State Journal* had only five of the same names on it. There was no canvassing for these tickets; but ten Congressmen were also to be elected, and the friends of the aspirants were active. In the presidential election the total vote cast was 46,390. Edwards, representing the *Journal* ticket, received 27,077; Graham, on the other, 18,919. Bragg fell behind Graham, his vote being only 18,162. In the congressional delegation only McDowell, Smith and Davidson were returned. The new members were Thomas S. Ashe.



A. H. Arrington, Robert R. Bridgers, B. S. Gaither, Owen Kenan, William Lander and J. R. McLean. On the whole the result of the election was comforting to the Secession element in the State, and the vote was claimed by them as one of confidence. But there were those who greatly deplored the division of the people on party lines.

### **The Federals at Hatteras**

The captured forts at Hatteras were occupied by the Federals under Gen. John F. Reynolds, who sought to establish friendly relations with the inhabitants of the adjacent region. Many who lived on the banks and some of the people of Hyde County declared their adherence to the Union and took the oath of allegiance, and General Reynolds was kept well informed of what was passing on the mainland.

When Hatteras fell the sounds lay open to the Federal gunboats. Fortunately, the small fleet improvised by the State, now commanded by Commodore Lynch, offered some protection, but Roanoke Island had not been fortified. The Third Georgia, Col. A. R. Wright, had been hurried from Virginia to reinforce the garrison at Hatteras, but, arriving too late, Colonel Wright occupied Roanoke Island. Fortifications had been planned, and now, under the direction of Lieut. W. B. Seldon of the Confederate Engineers, the soldiers fell to work to erect them. But every difficulty beset them. No tools, no cannon, no supplies, no ammunition, no conveniences, and the island remote and difficult of access. Governor Clark urgently called for the return of some of the North Carolina regiments from Virginia to defend the State, but in vain; they could not be withdrawn from their location in the field. There was a promise of powder and munitions, but they were not furnished in sufficient quantities. The equipment of the Eighth State Troops was hurried, and at length being ready, that regiment left Warrenton on the 13th of September by way of Norfolk and reached the island on the 21st, where Colonel Shaw being in command, a part drilled while others

worked on the construction of the fortification. Later, Governor Clark again urgently insisted on an additional supply of powder and of arms, but the Confederacy at that time had none to send. Clark, I, 390

### Chickamacomico

The Twentieth Indiana was advanced up the banks to Chickamacomico, near Oregon Inlet, but it hardly established its camp before the activities of the Confederates were directed against it.

The tug *Fanny*, armed with two rifled cannon and with fifty men on board, was dispatched to carry a large quantity of clothing and an ample supply of ammunition and provisions to the camp. As soon as she had anchored off Chickamacomico, October 1st, Commodore Lynch with three of his vessels attacked her, and forced her surrender. This success so inspired the Confederates that they determined to undertake an expedition against the Indiana regiment. The proposed plan was that the fleet should shell the camp, drive the Federals from their position, and then land the Georgia regiment there, while the North Carolina regiment was to be conveyed down to cut off the retreat. Oct., 1861

On the evening of the third of October, every detail having been perfected, the troops embarked and the next morning reached the vicinity of Chickamacomico. The gunboats successfully shelled the camp, from which the Indianians precipitately withdrew, with some small loss. Clark, I,  
55, 56

The Georgians then landed and pursued them down the beach. The boats now conveyed the North Carolina regiment to the point where they were to land, some twenty miles below, but it was found that the sound was so shallow that the barges could not approach nearer than three miles to the beach. The men, full of enthusiasm, resolutely jumped into the sound and essayed to wade ashore. But proceeding a mile through the water, they came to sluices that were too deep to be crossed, and, greatly disappointed, they had to return. That part of the plan thus miscarried. but the capture of the Federal camp with its abundant supplies and the discomfiture of the Indianians made the



Work on  
Roanoke  
Island

General Hill

Naval  
Records,  
Series I,  
Vol. VI, 739

troops buoyant with hope in case of a conflict. The Georgians remained at Chickamacomico until the next day and, although shelled by the *Pawnee*, suffered no loss. Later in the month Colonel Wright's Regiment was moved to Virginia, being replaced by the Thirty-first North Carolina under Colonel Jordan. The work of constructing the fortifications and of drilling the troops and trying to convert them into artillerists progressed as rapidly as possible under the direction of Colonel Shaw, but there was a deplorable lack of men and munitions and especially of officers who had some acquaintance with cannon. In the emergency, a midshipman was detached by Commodore Lynch to drill the soldiers at one of the batteries. Colonel Hill, who had won high praise for his efficiency at the battle of Bethel, had been promoted by the President to be Brigadier General on July 10th, and at the request of Governor Clark he was on September 29th assigned to the duty of preparing the fortifications from Fort Macon to the Virginia line. General Hill at once asked for cannon to be supplied by the navy, there having been a considerable number at the Norfolk Navy Yard, but Mr. Mallory, Secretary of the Navy, replied that up to October 2 he had already sent to North Carolina 242 guns, and could not spare more then. General Hill, however, was insistent, and on the 18th of October he again made application, saying that Fort Macon could not be held without four more guns of long range. He reported the battery at New Bern well constructed. Washington had two good batteries. "Roanoke Island," he said, "is the key to one-third of North Carolina. This all-important island is in want of men and guns. It should have at least six more rifled cannon. I am confident Manassas itself is not more important than it." General Hill, however, met with difficulties. The points to be fortified were remote and detached. There was not only a want of efficient subordinates, but a want of workmen and of implements. The soldiers were not available for the needed work, and when he asked for negroes to be supplied, the owners objected. In October General Hill visited Roanoke Island and gave directions about the construction of de-





MAP OF EASTERN NORTH CAROLINA





fenses. On the second visit he found that but little had been done, and he asked to have the officer in command removed; and, believing that he had authority from the State authorities, he called out the militia of the neighboring counties to report on the island. Later, he found that only 500 from Chowan had responded, and that the Governor had revoked his order. Some friction arose, and General Hill deemed it best to ask to be relieved; and November 16th he was ordered to report to General Johnston, who assigned him to the command of a brigade in the field.

Hill insists

At that period there were no railroad communications with the Albemarle region, and realizing that Roanoke Island could be easier defended from Norfolk than elsewhere, the authorities of North Carolina asked that that part of the State should be attached to the Military District of Norfolk, then under the command of General Huger; and on December 1 the territory east of the Chowan, and including the counties of Washington and Tyrrell was made a military district, and the command assigned to Gen. Henry A. Wise of Virginia. General Wise earlier in the war raised a legion which had operated in the field and now was scattered. He at once visited Roanoke Island and then returned to Richmond, seeking to have his legion again consolidated and to secure needed supplies of men and munition for his district. He, however, established his headquarters at Nags Head and there held such reinforcements as were sent to him. Roanoke Island was then under the immediate command of Colonel Shaw, who, however, had no staff for such a command, no facilities for communicating either with the General at Nags Head or with the mainland.

Albemarle transferred to Norfolk District

Wise assigned to the district

Clark, Vol. V, 57

In November it became known that a Federal expedition was being fitted out to take possession of some point on the coast, and there was much apprehension that it was destined for North Carolina; but eventually the fleet passed on to Hilton Head. Immediately, Radcliffe's Eighth Volunteers, now called the Eighteenth, and Clingman's Regiment were dispatched to that vicinity, along with Moore's fine light

Aid to South Carolina



Nov., 1861      battery, and Gen. R. E. Lee was assigned to the command of the department.

### **The Convention**

The Convention reassembled November 18th. Already there had been several changes in membership. McDowell, Venable, Craige and Davidson had gone to Congress; Hill and Stewart had died; Chowan, Grimes and Shaw had entered the military service; Henkel and Lander had resigned; Johnston, a man of marked capacity, had become Commissary General; Ashe, who was president of the Wilmington Railroad and acquired a high reputation for administrative ability, had been selected by President Davis to have charge of all the transportation of troops and supplies east of the Mississippi River. The vacant seats had been filled by new members. On assembling, the Convention, notwithstanding the turmoils of the war, addressed itself with earnestness to the consideration of constitutional changes, discussing many subjects with high intelligence and ability. But it also considered matters of more immediate concern. It passed an ordinance to obtain the great essential, a supply of salt, and salt works were directed to be established along the coast, and a surer supply was sought in the salt works of Western Virginia. Dr. John Milton Worth was chosen the salt commissioner. He had the earnest coöperation of his brother, the Senator from Randolph, who said: "In the undertaking in which you are embarked our family reputation for energy and success is involved, and I will sustain you to the utmost of my ability." With wise advice and great concern, he urged the work forward.

Salt

The Worths

Prices

Prices had advanced because there was no communication with other countries; all commerce was stopped, and supplies were running short. An ordinance limiting prices and authorizing the seizure of commodities was introduced by Judge Badger and came before the Convention, sustained by the weight of his great influence. It was also cordially supported by Judge Ruffin and Mr. Holden, who as editor had access to the public ear. But it met with warm opposition. It was only after much debate that the vote was

taken, when it passed by 60 to 39. The former Democrats generally voted in the affirmative, but some followed the lead of Governor Graham in opposition. A proposition to charter the Piedmont Railroad to connect Greensboro with Danville likewise raised much opposition. It was antagonized by the eastern members who still adhered to the State policy of preventing the division of the commonwealth by such a north and south line, and they succeeded in postponing a vote on it.

An ordinance, offered by Judge Biggs following the precedent of the action in 1775, to require every male citizen except those in the army to take an oath of fealty, engendered much heat in the Convention. Besides the oath prescribed, the proposed ordinance declared that the following acts should be held high misdemeanors: attempting to convey intelligence to the enemy; deliberately speaking or writing against the public defense; maliciously endeavoring to incite the people to resist the government of the State or of the Confederate States; maliciously terrifying or discouraging the people from enlisting; stirring up tumults or insurrection; disposing the people to favor the enemy and endeavoring to prevent the measures carried on in support of the freedom and independence of the Confederate States. Governor Graham opposed the ordinance, making a speech, thought to be the greatest of his life. While he particularly opposed the oath, he "traced and laid bare" the dangerous tendencies which everywhere lurked under this ordinance, declaring, "We are resolved to be independent and free not only in the end, but in the means." The proposed ordinance was regarded by its opponents as plenary evidence that the Secessionists would strike down civil liberty in their zeal for independence. But its advocates did not consider that civil liberty was at all involved in the measure. They held it no more an impairment of civil liberty to suppress enemies at home than to kill enemies at the front. This discussion tended to draw a strong line between the factions, and its effect was felt among the people, Governor Graham's speech being distributed in pamphlet throughout the State. Eventually the subject was postponed by a vote of 79 to 22:

Fealty

Biggs's ordinance

Graham opposes

McGehee:  
Oration on  
GrahamBattle in  
N. & O.  
Review



but by a unanimous vote the Convention reasserted its devotion to the South and affirmed its full confidence in the wisdom, integrity, and patriotism of the "President of the Confederate States," and "we congratulate him and our whole country upon the success with which he has administered the government." Also, resolutions were offered declaring that "unanimity and harmony are necessary," and that "we will discourage all party spirit," but as they contained what the supporters of the administration deemed reflections on the administration, which the Convention refused to strike out, they were laid on the table. After a session lasting less than a month the Convention adjourned to meet towards the end of January.

All Confed-  
erates

Journal,  
Sept. 2, pp.  
15, 22

Journal, 37,  
56, 64

Jan., 1862

Changes

To repel  
invasion

When the Convention reassembled in January there were other changes in its membership. Judge Biggs had been appointed to the Confederate bench, and Arrington had been elected to Congress, and several others had resigned. The Federal fleet was already at anchor at Hatteras, and, although its great power was not thoroughly comprehended, the Governor was authorized to take steps to meet any exigencies. He was directed to call out such portions of the militia as might be necessary to repel invasion. Later on in the session, in view of the expiration of the enlistments of the twelve-months men, the Governor was directed to call for volunteers for three years or the war, and he was to urge the volunteers already in the service to enlist for the war. All companies enlisting could either retain their old organization or elect new officers. Besides, the Governor was authorized to appoint as captain any one who could recruit 40 privates; as first lieutenant, one who could secure 25 privates, and as second lieutenant, one who had 15 privates; and \$50 bounty was to be paid to every one who enlisted.

The current expenses were already heavy and the resources of the treasury were taxed to their capacity. The disbursements for military purposes had been \$3,976,000, and for other purposes \$947,307. The bounty of \$50 to each of the 38,000 troops in the field would add nearly two millions more. Yet the Convention was not daunted by this expenditure. Without hesitation it went on making pro-

vision for defense. It assumed the payment of the Confederate tax, and for that purpose issued treasury notes bearing seven per cent interest and convertible into seven per cent bonds. To meet other requirements it authorized the funding of the outstanding notes into eight per cent bonds and the issue of additional notes. It laid special taxes, and especially a tax of thirty cents a gallon on spirituous liquors; but after April, 1862, the manufacture of spirits was to cease. Not only were the ordinary subjects of legislation taken into consideration, but constitutional provisions were carefully considered. The Cheraw and Coalfield Railroad, and the Washington Railroad were chartered. But particularly was the Convention concerned about the state of affairs in the eastern part of the State, a Federal fleet having passed through Ocracoke Inlet and entered the sound, threatening Roanoke Island.

When at length the news came of the disaster of Roanoke Island there was almost a panic. A few advocated immediate adjournment, but for five days the Convention sat, chiefly with closed doors, and on the 26th of February it adjourned to meet again in April.



## CHAPTER XLII

### FALL OF ROANOKE ISLAND

Conditions near Hatteras.—The loyal government.—Colonel Weber acts on the Philadelphia motto.—The First United States Regiment.—North Carolina volunteers.—Marble Taylor and Foster.—Bancroft's meeting in New York.—The Convention of 20.—Election.—Ignored by Congress.—The appointment of General Wise.—The Federal expedition.—The defenses imperfect.—Colonel Shaw in local command.—The Confederate flotilla.—The attack.—Major Hill defends Fort Bartow.—The Federals land.—The Confederates concentrate at the road intrenchments.—The assault.—The stubborn defense.—The death of O. Jennings Wise.—Seldon and Coles.—Flanked, Colonel Shaw withdraws.—Arrival of Colonel Wharton Green and Major Fry.—The surrender.—Elizabeth City occupied.—The general consternation.—The proclamation of Burnside and Rowan.—Finding of the Congressional Committee.—The *Delaware* repulsed by Colonel Williams at Winton.—The Confederates retire.—The gunboats return and burn Winton.—The prisoners paroled.

#### The loyal government

Sept., 1861

Within a week after the fall of Hatteras 250 persons had taken the oath of allegiance to the Union, and on their representations as to the prevalence of Union sentiment in the Albemarle counties efforts were made to interest others on the Union side. On September 17, Colonel Hawkins, in command, issued an address and proclamation.

O. R., IV,  
671

Judge Biggs informed General Gatlin, the general in command, that "while but few of the inhabitants were disloyal, the sentiment in Washington, Tyrrell and Beaufort gave uneasiness. And Hyde was even more amenable to Union persuasion than these."

Removed from elbow touch with the rest of the State, open to invasions and fearful of hostilities, many of the inhabitants thought to save themselves by submission.

Ibid., 608

They were in a novel predicament. At heart, the people there had loved the Union like the people of the State and of the South, generally. Forced to withdraw from it, by the

alternative presented by President Lincoln, they now were awakened to the perils of their situation.

In Philadelphia, it was commonly reported that to secure enlistments, a standard had been raised, inscribed "Beauty and Booty"—and as soon as the Federal soldiers had put foot on ground they began their work of pillage. Colonel Rush interfered to prevent; but the Twentieth New York, under Colonel Weber, was so intent on despoiling the enemy and, incidentally, appropriating the goods of others to their own use, that Colonel Rush was ignored.

Beauty and  
Booty

Not amenable to discipline—although perhaps yielding as to the Beauty—they would not be denied Booty, until at length Colonel Rush threatened to turn his artillery on them. Not unnaturally, fears spread throughout all the country accessible to their inroads. It was the first experience of any of the inhabitants under such conditions. Cut off from close intercourse with the interior of the State, some thought it behooved them to make terms; and the wonder is that many bore themselves so steadfastly under their trying conditions. Those who forsook their neighbors seemed to realize that they had embraced the fortunes of an outcast, and generally acted as if they bore the mark of Cain.

In order to fix some in their loyalty, it was arranged to have them enlist as soldiers in the First Regiment of North Carolina Volunteers; and later this regiment was stationed at Fort Macon.

First N. C.  
Volunteers

Among those who sought to coöperate with the Federals were a Methodist minister, Marble Nash Taylor, who originally came from the panhandle of Virginia, and Charles H. Foster, originally from Maine, who had been expelled from Murfreesboro by a meeting of the citizens. These went to New York early in November and a plan was formed for the establishment of a legal government in North Carolina. At a meeting held for the purpose, George Bancroft, the historian, presided. Mr. Bancroft's interest in North Carolina had early been so keenly excited that in the first edition of his history he paid a glowing but just tribute to the patriotic fervor of the freemen of the Albe-

Taylor and  
Foster

Nov., 1861

O. R., IV,  
122, 630



1861

marle region and their devotion to government; but in the second edition of his great work, after secession, he expunged that admirable and truthful portrayal of the characteristics of the Colonial Carolinians.

Pursuant to Foster's plan a meeting was held at Hatteras on November 18, called a convention, but attended by only twenty persons. Ordinances were adopted proclaiming the Ordinance of Secession a nullity; proclaiming Taylor the Provisional Governor, and instructing the Governor to hold an election for Representative in Congress, that honor being reserved for Foster. An election was held, the voting being in Hyde County, and Foster received all the votes cast, but the House declined to admit him. Thereupon, another election was held January 16, and again he received all the votes cast; but not satisfied, a third election was held January 30, 1862, but he was not admitted as a Representative.

Foster, however, remained of the same mind. In December, 1862, Governor Stanly ordered an election for representatives for the Second district. Jennings Pigott, his private secretary, was chosen; but Foster contested the election. Neither was seated. After the war Taylor settled at Fayetteville, and became an esteemed citizen.

### **The fall of Roanoke Island**

After General Hill's departure from the State the work of preparing for the defense of Roanoke Island was left entirely to the local officers, and, although prosecuted with vigor, for the want of hands and implements, progressed very slowly. Nor were either guns, munitions or troops supplied. It was known that forces and transports were gathering at Hampton Roads, and apprehensions were felt lest the North Carolina coast was to be the objective point.

General Henry A. Wise was informed by the War Department that he would have command of the Albemarle region, so he visited Roanoke Island and was impressed with its defenseless condition; but it was not until January 11 that his assignment was announced by General Huger, the Department Commander. General Wise had been Gov-

ernor of Virginia and had early raised a legion of infantry and artillery, which had seen service at the west, and he expected his legion to accompany him, but it was then scattered and only a part came. He took a very intelligent view of the situation and earnestly urged that reinforcements and additional supplies be sent him. Acknowledging his requisitions, the Secretary of War replied, "Our supply of cannon powder is very limited. At the first indication of an attack, a supply will be sent you." General Wise insisted that at least three thousand men were needed on the Island, and, especially, he represented that there were no artillerymen at the batteries, and he asked that a company be sent.

After long and great preparation the threatened expedition, composed of eighty vessels, carrying fifteen thousand troops, the most formidable array ever collected in America, on the 11th of January, set sail from Fortress Monroe under the command of General Burnside, and arrived at Hatteras the next day. Now there was no further doubt of its destination, and three days later General Wise reported that inside of Hatteras were twenty-four vessels, eight of which were gunboats, ready to attack five small gunboats and four small batteries, wholly inefficient. That force he urged is amply sufficient to capture or to pass Roanoke Island in any twelve hours. "If we are to await a supply of powder until we are attacked, the attack will be our capture and our defeat will precede our supply of ammunition." The next day in special orders he announced that an attack was hourly expected, and he enjoined every effort to withstand it. Colonel Henningson of the Wise legion was dispatched on a mission to Governor Clark, urging aid. General Wise was of opinion that there should have been marsh batteries to prevent the enemy from landing on the southern part of the island, but the marshes and shallows had been relied on as sufficiently protecting the southern part, and batteries had been erected early in the northern part of the island. The channel between the island and the mainland had been obstructed by pilings and sunken vessels, and there lay the little Confederate fleet carrying seven guns.

The fleet  
sails

The attack  
expected



**The batteries**

The most southern battery, more than half way up the island, was a sand redoubt, mounting several 32-pounders and one rifled cannon, pretentiously named Fort Bartow; while two miles higher up was Fort Blanchard, of similar construction; and a mile away was Fort Huger. On the mainland opposite a naval battery was in progress.

Through the center of the island, where the dry land was confined by swamps and morasses on either side, there was a road from the north to the south, and across this, two miles from Fort Bartow, were some intrenchments, a hundred feet long, strengthened by three old guns. There was no artillery company on the island, but Maj. Gabriel H. Hill, a Wilmingtonian, who had been appointed to the United States Army in 1855, was in command at Fort Bartow and had trained two companies of the Seventeenth Regiment that had not been captured at Hatteras. Major Hill was assisted by Lieut. B. P. Loyall, of the Navy, and Lieut. T. M. R. Talcott; while Capt. John S. Taylor, also an officer of experience, had charge of the other batteries; these officers having been sent to Colonel Shaw by General Huger in January.

As the days passed every one was impressed by the gravity of the situation and preparations for the expected attack were hastened, while both Commodore Lynch and General Wise redoubled their efforts to obtain reinforcements and supplies, and especially they asked for men trained to serve the cannon. But General Huger was slow in responding. There was ample time, for the water at the bar at Hatteras was too shallow to admit the larger vessels and the weather was bad. Three weeks elapsed before General Burnside was ready to proceed, and it was not until the morning of February 6 that the Federal flotilla was seen approaching the island.

Unfortunately General Wise was then confined by serious illness at Nags Head, where he had established his headquarters, and so the full responsibility rested on Colonel Shaw, who, however, knew the details of the situation thoroughly. Outside of the small garrison in the batteries, there were on the island only 824 effective men, being the

Eighth and Thirty-first North Carolina troops. A detachment with a field piece had been stationed at Ashby's Landing, two miles south of Fort Bartow, and Colonel Jordan was at that point. All were in a state of expectancy on the morning of the 7th, when thirty gunboats were seen advancing in two divisions, the rear one having in tow the transports carrying the troops.

Feb. 7, 1862

The attack

About 11 o'clock the first division subdivided, one part engaging the Confederate vessels and the other attacking Fort Bartow, using large guns, 10 and 11-inch, and rifled cannon. Commodore Lynch sustained the conflict gallantly all through the day, losing the *Curlew* and the *Forest*, and he retired only at night when his ammunition had been expended. Fort Bartow likewise made a notable defense, replying gun for gun, and firing so effectively that soon the vessels sought such a position that only three guns could be brought to bear upon them. All through the day the bombardment continued, much damage being sustained by the fleet, and the fort suffering also, the quarters being destroyed by fire; but Major Hill worked all night, making such repairs that he was ready to resume the battle the next morning.

Hill's defense

During the progress of this bombardment, in the afternoon, steamers having in tow boats filled with troops under the protection of gunboats, effected a landing at Hammond's, south of Fort Bartow, but above Ashby's. They landed about dark, and in less than twenty minutes 4,000 Federal troops had established themselves on the dry land; and during the night three brigades, in all fifteen thousand men, under Generals Foster, Reno and Parke, were landed.

The troops landed

Colonel Jordan, finding that a landing had been made north of his station, withdrew his detachment and took post at the intrenchments, and here Colonel Shaw concentrated his available force. On the next morning Fort Bartow again engaged the fleet, maintaining the contest until noon, when the vessels pulled off; but later, when Major Hill learned that the Federal troops were in his rear, he withdrew, and Captain Taylor likewise abandoned the other forts. On the evening of the 7th General Wise had sent

Wise's Richmond Blues



from Nags Head about 400 men of the Fifty-ninth Virginia under Colonel Anderson and also the Richmond Blues, Capt. O. Jennings Wise, commanding; and these were the only reinforcements that arrived in time to participate in the defense.

Colonel Shaw placed the three cannon at the intrenchments under Captain Schermerhorn, Lieutenant Kinsey and Lieutenant Seldon, and had Colonel Anderson to throw three companies of the Virginians on either side to prevent any approach through the swamps, and, as the intrenchments could hold only about two hundred men, the others were retired a short distance to the rear in reserve.

The companies within the breastworks were Company B, Eighth North Carolina, Captain Watson; Company B, Thirty-first North Carolina, Captain Liles; Company F, Thirty-first, Captain Knight; Company E, Fifty-ninth Virginia, and Company E, Eighth North Carolina, Lieutenant Murchison. Some of these served the cannon, and others stood guard at the parapet. It was about seven o'clock when the Federal column, under General Foster, with seven howitzers in the advance, made a turn in the road and saw the intrenchments some seven hundred yards in their front. The road now was a mere causeway, flanked with swamps, and the wood had been removed so as to give the cannon at the intrenchments full sweep. General Foster quickly placed his battery in position, and supporting it with two regiments, dispatched two other regiments to the eastern swamp to approach from that side. When General Reno came up he led his brigade to the left to turn the Confederate right. General Parke followed Foster's regiment into the eastern swamp. In the meantime the engagement was in hot progress. The Federal battery fired rapidly, and the cannon at the intrenchments were effectively served by the brave officers who had them in charge. On the right and left the infantry were active and efficient.

The battle

General Reno said in his report: "We were soon hotly engaged, but I kept moving by the flank toward the left. Finally, after the lapse of two hours, we succeeded in turning their right." It was the Twenty-first Massachusetts

that, passing farthest to the west, got through the deep swamp. Colonel Maggi, of that regiment, says: "We had seen in front the infantry that supported the right flank of the battery. It was then that the fire began to be really hot, and I had many men put *hors du combat*. But we steadily kept firing for more than two hours, advancing towards the front and left at the same time. I was at the moment at the edge of the swamp, and in front of me was an exposed ground of a hundred yards. The regiment once in line, I commanded a general fire. The battery was already flanked. General Reno directed a charge."

General Reno says that the charge was most gallantly executed by the Fifty-first New York and the Ninth New Jersey, as well as the Massachusetts regiment; that Foster's brigade attacked in front, and General Parke was in the act of turning the left when his brigade charged and took the battery. Colonel Shaw mentions in glowing terms the conduct of the men serving the artillery, which was handled so as to produce immense havoc in the enemy's ranks. Especially he mentioned Lieutenant Seldon, "whose conduct elicited the unbounded admiration of all who witnessed it. In the meantime the fire of the musketry had been kept up from the commencement of the action with vigor. At about half past twelve the artillery ammunition was exhausted, and the right flank was turned by an overwhelming force of the enemy, I was compelled to yield the place."

Among the killed were Captain Wise and Captain Coles and Lieutenant Seldon of Virginia, all deeply lamented. The Virginians lost 6 killed and 28 wounded: and the North Carolinians 16 killed and 30 wounded. The loss of the Federals was officially reported at 37 killed and 214 wounded.

Shaw retires

Colonel Shaw withdrew his troops to their camp at the northern end of the island, not being closely pursued, but desultory firing continued all through the night. Had there been means of transportation the entire force could have been transferred to Nags Head, but intelligent direction was sadly lacking at General Wise's headquarters, and no transportation had been provided. In the evening, after the



Colonel  
Green

battle, Col. Wharton Green and Major Fry arrived on the island with their commands numbering some 450 men. The next morning as Colonel Green was moving to an advanced position, in obedience to orders, he met the Twenty-first Massachusetts, and, after a short conflict, he retired to the camp of the Thirty-first North Carolina. The Federals also fell back. General Foster had advanced in force; and on consultation, Colonel Shaw found it necessary to surrender. Lieut. Col. D. G. Fowle bore a flag of truce asking terms, but unconditional surrender was required.

Fowle

Wise leaves

A small number of men being acquainted with the island, succeeded in making their escape before and after the surrender. About 150 reached Nags Head. General Wise at once burnt the houses at Nags Head where his troops had been stationed, and with three companies and those who had escaped from the island, hurried to Poplar Branch in Currituck, and set to work to obstruct the canal.

### Elizabeth City

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Lynch's fleet

Colonel Henningson, of the Wise legion, being in the vicinity of Elizabeth City with a light battery, was directed by General Wise to do what was possible for the defense of that place. There was an incompleated four-gun battery on the river, two miles from the town, but no men to serve the guns. There were no cartridges, but 300 pounds of blasting powder was found, and such preparations as could be made were undertaken. The Confederate fleet now consisted of six small steamers and one schooner; the Federals had thirty gunboats, each armed with a heavy gun. On the night of the 7th Commodore Lynch's fleet, having exhausted its ammunition, left Roanoke Island and made its way to Elizabeth City, and sent the *Raleigh*, commanded by Lieut. Joseph W. Alexander of Lincoln County, and the *Beaufort*, commanded by Lieut. W. H. Parker, up the canal to Norfolk; having to some extent supplied the *Sea Bird* and *Appomattox*, Commodore Lynch started on the 9th to return to the island. However, he had not proceeded far before he met a boat bringing the news of the surrender of the island, and soon after he saw the Federal fleet approaching.

He at once returned and formed a line of battle across the river, near the battery, of which he took personal command, manning three guns with the crew of one of his vessels. The Federal fleet, however, paid slight attention to the battery, but quickly passed it, and engaged the Confederate vessels that had few men and little ammunition. The *Ellis* was commanded by Lieut.-Commander James W. Cooke of Beaufort who had shortly before replaced Commander W. T. Muse of Pasquotank County, transferred to a higher command. Cooke had entered the naval service in 1828 and was an accomplished officer, as indeed were the others, especially Alexander, who had been a greater prodigy at the Naval Academy even than Pettigrew had been at the University. Boats from two Federal vessels came to board the *Ellis*. Cooke had been badly wounded and saw that the fight was hopeless. He ordered the *Ellis* to be blown up, but the Federals prevented. He then ordered the men to escape in boats; some did so. Severely wounded, he remained, but fighting to the last. The *Ellis* was taken. The *Sea Bird* was sunk and the *Fanny* burned. The *Appomattox* escaped up the canal. Then the Federal fleet steamed up to the town. Colonel Henningson had two pieces of artillery below the town, but as the gunboats approached, he retired and retreated on the road to Edenton. Colonel Starke and some other citizens were so determined in their purpose to resist that they proposed to burn the town, and at their request, Colonel Henningson detailed Lieutenant Scruggs and some men to assist in that work. But the seamen from the gunboats were quickly ashore, and seeing the effort to destroy the town, they arrested Scruggs and stopped the proceedings. However, Commander Rowan, fearing that his men would be charged with the wanton destruction of the place, ordered all his men to return to their vessels.

The Federal  
fleet

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Records,  
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Starke tries  
to burn the  
town

On the 11th Commander Rowan dispatched an expedition of several vessels to Edenton with directions to proceed and destroy the canal. They found part of a light battery at Edenton which retired without offering any resistance, and they carried away some wheat and cotton.

At Edenton



Feb. 13,  
1862

Tales of My  
Grandfather

On the 13th three vessels approached the mouth of the canal, but finding it obstructed, they returned. General Wise was there with three companies, but withdrew.

The fall of Roanoke Island created the greatest consternation throughout the Albemarle section. The action of the inhabitants of Elizabeth City was but a manifestation of the general alarm that seized the people. "Finishing our hasty breakfast," wrote Colonel Creecy, "we mounted our horses and set out for town, and our eyes opened on a sight we hope never to see again. All the people of the town were on the road, most of them afoot, shoe-top deep in mud and slush, muddy, bedraggled, unhappy, wretched. They were looking for an asylum of safety among country friends. We met several of our friends forlorn and miserable. We asked for others, and they told us the town was on fire and was deserted, and that a naval engagement was raging in the harbor. We soon met Colonel Henningson on the road, flying before an unseen enemy. We met some ladies afoot, unhappy, looking for an asylum. We met the Piedmonts in Little Billie's three-mule cart, looking for our house. They told us of the distress; that it was as dead as a graveyard; that all had left, some never to return. We asked after our friends. They said that some had set fire to their houses and made tracks for Currituck; that others had done the same and that the whole town was then on fire to spite the Yankees: that the Elliotts had started on foot for Oxford, that the Martins were in a buggy flying for Oxford, that Rev. E. M. Forbes was staying in town to meet the Yankees when they landed, surrender the town and ask protection; that Mr. Forbes, when they left, was putting on his ecclesiastical vestments in order that they might respect his sacred office. It was a grand, gloomy and peculiar time."

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Records,  
Series I,  
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The procla-  
mation

Indeed to those who were devoted to the South, it was harrowing. But all through that part of the State there were some who were not attached to the Southern cause. This was well known to the Federal commanders, from information received at Hatteras, and they sought to draw the people to the Union side by skillfully written procla-

mations. "We are Christians," said General Burnside and Commander Rowan, "as well as yourselves, and we profess to know full well and to feel profoundly the sacred obligations of the character. These men are your worst enemies. They in truth have drawn you into your present condition, and are the real disturbers of your peace and the happiness of your firesides. We invite you to separate yourselves at once from their malign influence. The government in no manner or way desires to interfere with your laws, your institutions, your property or your usages in any respect." And certainly their words fell on some willing ears.

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Records,  
Series I,  
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### The defense approved

Although the officers in command at Roanoke Island had made representations without ceasing of its defenseless condition, when the disaster came it was followed by a wave of indignation. General Huger substantially asked that General Wise should be removed out of his department, and both Colonel Shaw and Colonel Jordan were severely criticized. General Wise was not content, and would bear no adverse comment. He asked for a court of inquiry as to his conduct and also as to that of General Huger. A Congressional committee found that the defense was one of the most brilliant and gallant actions of the war, and "both officers and men fought firmly, coolly, efficiently and as long as humanity would allow. The committee are satisfied that the whole command did their duty; that Colonel Shaw commanded in person, sharing the dangers of his men for more than five hours with a firmness, coolness, and bravery worthy of the position he occupied; that the officers and men at Fort Bartow displayed great coolness and courage and persevering efforts to sustain their position." And the committee reported that whatever blame there was should attach to Major General Huger and to the late Secretary of War, J. P. Benjamin. Certainly both of those officials had been derelict since neither had manifested any particular interest in the defense of such an important position: but the Department was hampered by a dearth of all

*Ibid.*, 187

*Ibid.*, 187

*Ibid.*, 191

Huger's  
delinquency



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Records,  
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munitions needed for defense. On February 3, the Secretary of War wrote to Governor Clark: "I have just ordered two batteries of artillery to your aid and have instructed General Huger to see in person to the defense at Roanoke. He will also send 2,000 or 3,000 men, perhaps more, that can be spared from Norfolk. I am sure I could organize the defense of our country, wherever attacked, if I only had munitions." But Huger did not act.

### The destruction of Winton

Feb. 18

Under orders from General Parke on the 18th, Colonel Rush with the Ninth New York embarked in several gunboats to proceed up the Blackwater and Nottaway rivers and destroy the bridges of the Seaboard Railway. As the leading vessel, the *Delaware*, approached Winton, Lt. Col. W. T. Williams of Nash, with a battalion of six companies raised in Nash, and Nichols's Light Battery from Petersburg, sought to defend the town, and kept up a constant fire until that vessel had passed out of range. The *Perry* then came into action and a rapid bombardment was begun by those vessels. The gunboats, however, retired down the river about seven miles; but on consultation it was determined to return the next morning, and, if the town should then be occupied by the Confederates, to burn it. At noon on the 20th the gunboats returned and, having taken position opened fire, and without resistance the Ninth New York landed and waited an attack. But Colonel Williams had withdrawn his battalion to Murfreesboro, and notwithstanding the peaceable occupancy, Colonel Hawkins ordered every building that had Confederate stores in it or had been occupied by the Confederates to be burnt. The hotel and nearly every private building in the village were destroyed. Having accomplished that much, Colonel Hawkins decided that it would be impossible to destroy the bridges, the particular object of his expedition, and so he returned to Roanoke.

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Under an agreement entered into by General Burnside and General Huger all the prisoners taken in this expedition were at once paroled.

## CHAPTER XLIII

### FALL OF NEW BERN AND FORT MACON

Consternation at the invasion.—Preparations at New Bern.—General Branch in command.—The Federals land.—The troops concentrate at Fort Thompson.—The attack March 14.—The Federals penetrate the line.—The Confederates driven off.—Haywood's final stand.—The retreat.—General Branch holds the road open for retreat.—Retires to Kinston.—The bridge burnt.—Hoke and Vance cross Bryce Creek and reach Trenton.—The inhabitants leave New Bern.—General Parke invests Fort Macon.—Washington visited.—General Gatlin relieved.—Delayed action now taken.—Lee in command of the entire department.—Holmes in command of the State.—Robert Ransom of the Pamlico District.—Branch's brigade formed.—The Governor calls for volunteers from the militia.—The rush to the camps.—The dearth of arms.—General Lee directs Major Ashe to collect arms from the people.—Mrs. Blalock.—General Parke reaches Fort Macon.—Colonel White in command.—The attack.—The resolute battle.—The surrender.—The garrison paroled.—Boothe near Newport.—Egloffstein and Robinson at Gillett's farm.—Robinson's fine conduct.

The capture of Roanoke Island and the domination of the eastern counties by the Federal forces and their command of the rivers in that region produced a profound depression throughout the State. The Convention was in session when the news reached Raleigh, and, says Dr. Battle, "Many delegates lost their heads. There was almost a panic for a few minutes. A few advocated immediate adjournment. Some looked and acted as if there was immediate danger of Burnside's cavalry making a dash on Raleigh." At the instance of Judge Badger the Governor was asked to communicate all correspondence with the War Department relating to the coast defense, and then the Convention went into secret session and passed resolutions for the return of North Carolina regiments to the State, which were telegraphed to the President. With the consternation there was not unmingled indignation among many who were sincere supporters of the Confederate cause, while the disaster strengthened those not in sympathy with the Confederacy and gave point to their criticism of the administration. Governor Clark became still more urgent than

March, 1862

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of Conven-  
tion, 128



ever in his demands on the War Department, and, indeed, being from Edgecombe County, he knew the importance of that region to the Confederacy and fully realized the peril to the vital railroad connection between the South and Virginia. Nor were the Confederate authorities slow to see the danger, and regiment after regiment was now hurried to protect the railroad between Weldon and Norfolk.

General  
Branch

When it became known that the Burnside expedition was destined to attack the sounds Colonel Branch of the Thirty-third regiment was promoted and assigned to the command of the District of Pamlico, which embraced New Bern, and General Branch made his headquarters at that point. General Branch had exhibited fine capacity and administrative ability. His career in Congress had made him popular. He had made an excellent colonel. He had many ties in the Pamlico section, and his appointment was based, among other things, on the consideration that he could do more than any one else to stimulate the patriotism of the people in that region. He was advised by General Gatlin to proceed zealously in his preparations, but with deliberation, for the Federal force would hardly leave Roanoke Island in their rear. The defenses planned for New Bern and partially completed were extensive, beginning at Otter Creek, ten miles below, and consisting of a breastwork nearly a mile long between the Neuse and an impassable swamp, and readily held against infantry assaults; but for a distance of six miles there were no batteries to prevent a landing in the rear. Then came Fort Thompson, four miles from the city, and some incomplete breastworks extending to the south, with redoubts well located here and there.

General Branch, on taking charge, wisely determined not to rely on the Otter Creek defenses as they could be taken in the rear, but to complete those at Fort Thompson. He had not, however, fully accomplished his purpose when the enemy approached.

The Burnside expedition was designed not merely to take possession of the sound, but to penetrate into the interior. Indeed, it was contemplated that after capturing the towns

accessible to his fleet, General Burnside would destroy the Wilmington and Weldon Railroad, and even take Raleigh and, later, Wilmington. For these extensive operations ample preparation had been made in men, material and munitions, and adequate transportation had been provided in vessels of light draught. Pursuant to his orders, on the 12th of March, all being in readiness, Burnside's entire force embarked for the attack on New Bern, and landed at Slocomb's Creek the next morning.

Burnside's  
plans

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### The battle

On the approach of the vessels, on the evening of the 12th, General Branch sent the Thirty-fifth North Carolina, Colonel Sinclair, to a landing near the mouth of Otter Creek to resist any attempt to land, and other regiments were stationed to protect the shore: but on learning that the enemy had landed still farther below, the troops occupied the breastworks. The gunboats, however, drove off Sinclair's regiment and landed troops in the rear of these advanced works, and Colonel Campbell, thereupon directed that all the regiments should retire to Fort Thompson. Every effort was now made to strengthen and complete that line of defense, but at the point where the railroad crossed it there was a portion unfinished, although a brickkiln afforded some protection.

March 12

The Thirty-seventh North Carolina, Lieutenant Colonel Barbour, and the Twenty-seventh, Major Gilmer, were posted from the fort to the county road, Colonel Lee being in command of that wing. The Seventh, Colonel Haywood, the Thirty-fifth, Colonel Sinclair, and the Craven County Militia, Colonel Clark, were stationed between the two roads, Colonel Campbell being in command there.

On the extreme right, beyond the railroad, were placed the Twenty-sixth, Colonel Vance, along with two dismounted companies of the Second Cavalry, Colonel Spruill, one unattached company, and two pieces of Brem's Battery, the distance covered being a mile and a half. At the brick yard, where there was a break in the line, an artillery company was stationed to man guns that, however, had not been



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mounted, because the advance of the enemy had interrupted the work. Back of the line and resting on the railroad, the Thirty-third, Branch's old regiment, now under Colonel Avery, was held in reserve. With these dispositions, on the morning of the 14th General Branch awaited the attack.

March 14

At 7:30 the Federal column approached. Foster's brigade, on the county road, assailed the Confederate left, making a warm attack; but Latham's Battery held them in check, Latham himself continuing to serve one piece

The repulse

effectively even after all his men but three had been either killed or wounded. Meeting with this resistance, the Federals changed their ground and attacked the lines near the fort itself. Here, likewise, they were repulsed. The former navy officer, Colonel Crossan, in command, opened on them with canister and grape with such great effect that no further assault was made there, although the Federals maintained a constant fire, while the exposed garrison suffered severely from the cannonade of the gunboats. In

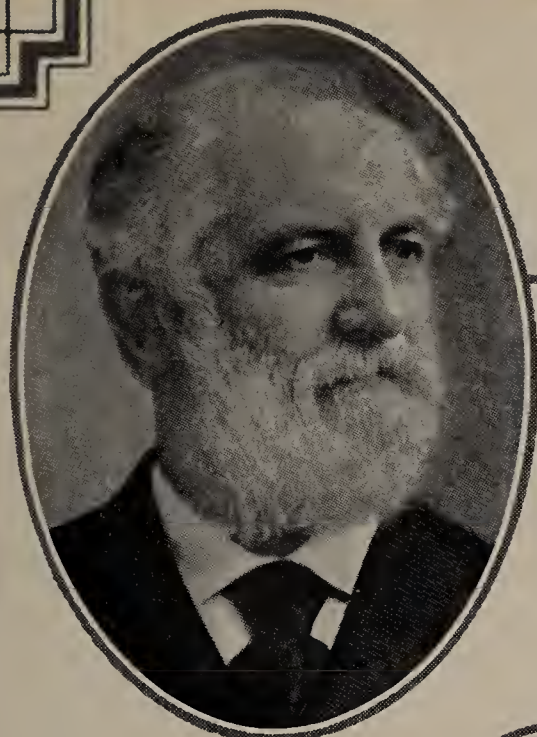
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the meantime, General Reno, advancing on the railroad, attacked the Confederate right. The break in the line of breastworks at the railroad now proved fatal to the defense. The Twenty-first Massachusetts, despite the resistance of the artillery company stationed there, found but little difficulty in penetrating at that point, and soon were on the flank of the militia holding the intrenchments. Seeing themselves taken in the rear, the militia fled: and thus, at 10 o'clock, the flank of the Thirty-fifth also became exposed, and they too retired. The Thirty-third, Colonel Avery, responded with alacrity and, gallantly pressing forward, with a volley hurled back the Massachusetts regiment and took post along the breastworks on the right of the railroad; Major Lewis on the left; Colonel Avery, with the center companies, some distance to the right, and Lieutenant Colonel Hoke still farther towards Vance, but separated from him by a quarter of a mile.

The line  
brokenThe Thirty-  
thirdAnother  
inroad

The space made vacant by the withdrawal of the Thirty-fifth had not been filled when General Parke's regiments hurried to seize the intrenchments, and a part of the Twenty-first Massachusetts reforming, advanced, capturing a sec-

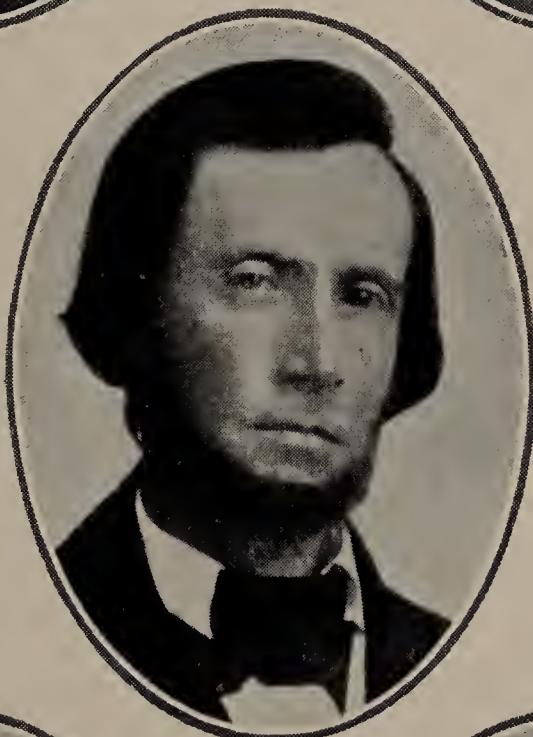




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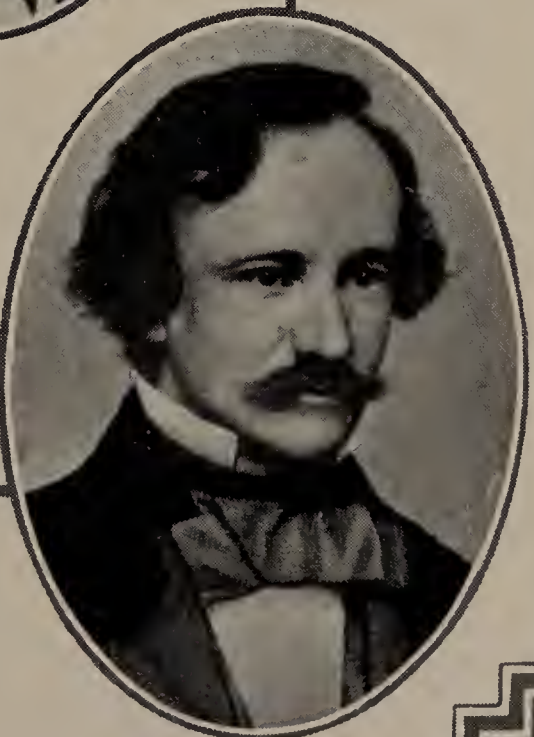
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3



4



5

1. Robert F. Hoke

4. Daniel H. Hill

3. Charles F. Fisher

2. William D. Pender

5. J. Johnston Pettigrew





tion of Brem's Battery at that point and gained the flank of the Seventh Regiment. By direction of Colonel Campbell, Colonel Haywood, abandoning his breastworks, charged this flanking force with the bayonet and drove them before him over the intrenchment. It was about 12 o'clock when Parke's regiments were pressing at this point, and at the same time the Federals were active everywhere along the entire front of more than two miles. Haywood, Lewis, Avery and Hoke were all in detached positions, while Vance was engaged still farther to the right. Each of these was firmly holding his ground at the front, but presently several Federal regiments succeeded in passing through the center and gaining their rear.

Haywood's  
charge

Federals  
pass the  
center

When Colonel Campbell saw the enemy in the rear of his right flank, he drew his companies off, and Colonel Lee, after sending a part of the Thirty-seventh to the aid of Campbell, likewise withdrew his regiment. Up to that time these troops on the left had not been closely engaged and had suffered but little. Haywood, discovering that Campbell had retired and that several Federal regiments were in his rear, likewise withdrew, but towards Vance's camp farther to the right, and there he maintained his organization, and stood his ground until, realizing that the battle was lost, he followed on to New Bern.

Confederates  
forced to  
withdraw

While these movements were being made, General Foster had penetrated to the rear of Lewis and Avery; and Avery, being surrounded by a much superior force, after a gallant resistance, found it necessary to surrender his regiment, now much reduced. Hoke, still farther to the right, observing that while he was hotly engaged in front, Federal flags had been erected on the breastworks to his left, and that Avery was no longer on his left, undertook to retire. But on seeing several Federal regiments in that part of the field he withdrew farther to the right, and sought to retire to New Bern.

Hoke retires

Vance, confronted by Reno's brigade, now saw that a large force had penetrated to his rear, had pillaged his camp, and were taking his left in reverse, and were between him and New Bern, and that the other regiments had re-

In Vance's  
rear



The line of  
escape

tired. He therefore abandoned the breastworks he had so successfully held, led his regiment into the wood, and struck out for the Weathersby road and Bryce Creek with the intention of gaining the Pollocksville road. At the creek, he could procure only four small boats, and he was four hours in getting his men across. After he had crossed, he was joined by Colonel Hoke with his companies of the Thirty-third, for Hoke had found the bridge at New Bern on fire, and had likewise sought to escape by Bryce Creek. Together they took the road to Trenton, and reached Kinston on the morning of the 16th.

When General Branch saw that the battle was lost he dispatched couriers to Avery and Vance to fall back, and he established himself at the intersection of the railroad and county road to rally the troops. There he found a train of cars and the Twenty-eighth regiment, Colonel Lowe, which he formed to hold the enemy in check. He remained there until all in view had passed. Thus ended the battle.

The staff is the eyes and ears of a general, and it was unfortunate that General Branch was not informed of the imperfect conditions at the brickkiln: and it was unfortunate that in the disposition of the troops the militia should have been placed at the weakest point in the line and where an attack in force was most probable. It was also unfortunate that the Twenty-eighth regiment arrived an hour too late to participate in the engagement, for had that regiment been at the brickkiln in time the entire line might have been held unbroken. The successful irruption of the Federal regiments at that point was, under the conditions, easily accomplished. The conduct of General Branch, Colonels Campbell, Lee and Vance, of Major Gilmer, and indeed of all the officers participating was fine and worthy of the high fame the State had won at Bethel. While all of the troops, except the militia and a part of the Thirty-fifth Regiment, stood up well to their work, their resolute action in this first experience of the roar of cannon and deadly musketry being admirable, it fell to the lot of the Seventh and the Thirty-third to play the most heroic role in the drama. The finest picture in the battle scene was Colonel

Haywood with a part of the Seventh driving the Twenty-first Massachusetts out of the intrenchments at the point of the bayonet. Of Major Lewis and the left wing of the Thirty-third, the modest Col. R. F. Hoke officially said: "Major Lewis then moved immediately to the right of the railroad with several companies and engaged the enemy from that time until after 12 o'clock. He behaved most gallantly; was in the hottest part of the whole battlefield. He repulsed the enemy time and again, and twice charged them with detachments of companies, and each time made them flee. Our loss was greater at that point than any other as he had to fight to his front, right and left, but he still maintained his position, fighting against greater numbers. No one could have behaved with more coolness, bravery and determination than he, and he deserves the praise of every true countryman for his actions."

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Of Colonel Avery, Colonel Hoke reports: "He was in command at the center on top of the second hill from the railroad, encouraging his men both by actions and words. He was perfectly cool, and never did any man act better on the battlefield than he. His fire was very destructive." Continuing, Colonel Hoke said: "I was immediately at his right and, finding the enemy were getting in strong force on our right and were going to turn our right flank, I moved quickly. I ordered the whole line to fire, which it did with great execution, as the enemy fell and fled, but soon appeared again; and again we drove them back, but they soon appeared in strong force and engaged us, which continued until 12:30 o'clock. At 12 o'clock I saw the United States flag flying upon one of our works, but saw Colonel Avery still fighting, and I, being very busily engaged with the enemy, did not know that Colonel Avery and Major Lewis had fallen back until I saw the enemy upon my left with several regiments."

Colonel Upton, of the Twenty-fifth Massachusetts, gives this account of the surrender of Avery: "Having passed the enemy's camp, we filed to the left of the road, flanking. General Parke's brigade was expected to be on our left and front, and General Reno to be turning the enemy's right.



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The regiment advanced slowly, receiving the fire of a body of the enemy and opened fire upon them. The regiment advanced and the enemy, to the number of about 150, surrendered to General Foster."

The Federals  
enter

Branch at  
Kinston

The Confederate loss was 64 killed, 101 wounded, and 413 missing, of whom a considerable number later came in. On the Federal side General Burnside reported, 91 killed, 466 wounded, many mortally. To secure his retreat General Branch had ordered Colonel Lee into the town, Colonel Campbell to take charge at the bridge, and Colonel Lewis to hold the approaches until all the troops had passed. The bridges were soon in flames, and the gunboats passed on and commanded the town and threw shell into it. In the meantime a Confederate detail sought to burn the cotton in the town, while others removed the government stores. As the bridges had been fired the Federal forces in pursuit were halted at the river, but a Federal brigade was conveyed in vessels and landed at the fair grounds, where they deployed as the Confederates withdrew. On the retreat a rumor spread that 700 cavalry were in pursuit, and for a time a panic prevailed among some of the men, which, however, was soon arrested. General Branch established his headquarters at Kinston and quickly reorganized his army.

#### **The inhabitants leave**

The occupation of the town by the Federals precipitated the flight of those inhabitants who could abandon their homes. Col. J. D. Whitford, the president of the railroad, held a train in readiness, and with every description of cars available, loaded to their full capacity with soldiers, women and children, the train moved slowly out. The gunboats soon began firing at the train—and as long as it was in range the cannonade continued, but without arresting its progress. The families settled all through the central counties, where they remained during the continuance of the war.

General Burnside found that the negroes in the city were wild with delight and excitement. Nine-tenths of the depredations after the Confederate troops and citizens fled

were ascribed to the negroes, who became a source of great anxiety to him, and he appointed General Foster military governor to maintain order. He at once sent General Parke to invest Fort Macon, and dispatched the Twenty-fourth Massachusetts to Washington. Colonel Stevenson landed two companies in that town on the 21st, and marched to the courthouse, where he raised the United States flag, the band playing national airs and the men cheering. He reported a considerable Union sentiment among the inhabitants, a number of whom expressed a wish that sufficient force could be sent there to protect them against the Confederates.

At Washing-  
ton

On March 15th General Gatlin was relieved from duty, and Gen. J. R. Anderson succeeded him in command of the department, while General S. C. French was ordered to take the place of Anderson at Wilmington. Every effort had been made by General Gatlin and others to obtain timely aid for the defense of New Bern, but without avail; now, the Secretary of War telegraphed Governor Clark: "Large reinforcements are immediately requisite for the defense of your State. Call on your people to arm in defense of their homes."

Changes in  
officers

The victories that attended the Burnside expedition, his great force aided by the Federal fleet being most formidable, aroused the people of the State and caused intense excitement. The Committee of Safety at Wilmington dispatched a committee to confer with Governor Clark and with President Davis, and renewed endeavors were made to perfect the defenses. Nor was the Government indifferent. General Lee was hastily brought to Richmond from South Carolina and, while still in command of the Southern Department, became the military adviser of the President. Gen. Robert Ransom was ordered to the State and was assigned to the Pamlico District; Gen. T. H. Holmes, in whose experience and capacity President Davis had the highest confidence, was given command of the Department of North Carolina and many regiments were hurried to Goldsboro. It was at this time that the Eighteenth, Twenty-fifth, Twenty-eighth, Thirty-third, and Thirty-seventh regi-

The people  
aroused

Lee in  
command



Branch's  
brigade

The railroad  
threatened

The want  
of arms

ments were thrown into a brigade under General Branch, and, associated in this brigade, these regiments, during the years of the war, won imperishable renown. The President, anxious for the safety of the railroad connection, telegraphed Governor Clark: "Call on every man in your State that can come with arms to rally with the utmost dispatch to defend your line of railroad." The great need was arms. There were men, but no arms. Indeed, at that period the affairs of the Confederacy were in a critical condition for the want of munitions and arms. The North suffered nothing in these respects; the South, cut off from foreign supplies, had no military resources. Arms had been so scarce that they had not been supplied to any twelve-months men. Some arms sent to General Holmes were seized by the Governor for the use of some regiments organized at Raleigh. At the end of March, General Holmes reported present for duty in his department, 24,030 troops.

Reg. Hist.,  
I, 9

In the meantime Governor Clark, who had theretofore declined to call out the militia, allowed Adjutant General Martin to order the militia captains to detail one-third of their companies for service, the men so drafted to be allowed to volunteer for the war. The order was in harmony with a wave of patriotism then sweeping through the State, and prominent men in every county vied with each other in raising troops. Instead of one-third, it was believed, fully two-thirds of those liable to service at once volunteered, aggregating twenty-eight regiments and several battalions.

#### Arms to be collected

General Holmes, being in immediate command, on April 9th General Lee wrote to General Holmes that he had "directed some Georgia regiments to be sent to you at once, and as soon as they arrive you will do everything in your power to arm and prepare them for service. I am informed by Major Ashe of North Carolina that large numbers of country rifles and other arms can be collected in that State; and I have directed him to get all he can. You will do everything in your power to collect arms for

the troops that you will receive. After arming the Georgia troops, those from North Carolina that are unprovided with arms can be supplied with such as remain from what Major Ashe or yourself may collect."

The needs of the Confederacy were pressing.

#### **A woman soldier**

It is narrated that after the battle of New Bern, Company F, Twenty-sixth Regiment received many recruits, among them L. M. Blalock and Samuel Blalock, the latter described as a good-looking boy, sixteen years of age, weighing 130 pounds, five feet and four inches high. In fact she was the wife of L. M. Blalock. Her disguise was never penetrated. She did the duties of a soldier well and was adept at the manual and drill. After some two months of service, her husband became incapacitated and was discharged. She then revealed her sex to Colonel Vance, and was likewise discharged.

#### **Fort Macon**

On March 23 General Parke moved his regiments from Slocumb's Landing and reached Carolina City, and, taking possession of Morehead and Beaufort, he demanded the surrender of Fort Macon, a proposition which the Confederate commander, Col. Moses A. White, promptly refused to entertain. The armament of the fort consisted of 44 guns, but the fortification was constructed with particular reference to defending the harbor, and only a few old guns, two columbiads and one rifled cannon, could be brought to bear on the land approach. Realizing that a siege had to be met, Colonel White now made every effort to be prepared. All outside buildings were destroyed: sand bags were filled and placed to protect the guns and parapets; ammunition was got in readiness, and "cheerfulness and activity prevailed." The garrison consisted of four companies of the Tenth Regiment, Company B, Capt. Henry T. Guion; Company F, Capt. W. S. G. Andrews; Company G, Lieut. James S. Manney; Company H, Capt. Stephen D.

Colonel  
White in  
command



Pool; and Company F, Fortieth Regiment, Capt. Richard Blount. There were about 300 men effective for duty, and of these a considerable number were on picket, watching for the landing of a Federal force on the banks.

April 11,  
1863

The attack

Reg. Hist.,  
V, 508

On April 11 General Parke began to throw his force across the sound, and promptly a sortie of two companies was made; but the Federals were too strong, and the Confederates were driven back. The next day began the operations of the siege, the construction of trenches, mortar batteries and rifle pits, and a gradual approach was in progress. On the 24th all dispositions had been made, and General Burnside himself came to Morehead and sought to obtain a peaceful surrender, but in vain. At daylight the next day fire was opened by General Parke, the guns of the fort replying promptly and rapidly. Every gun that could be brought to bear was served skillfully. The roar of Guion's, Pool's, Manney's, and Blount's guns was incessant, and the Federal fire was hot. Soon the booming of cannon from the seaward announced another foe. The blockading squadron had run in and opened a cannonade. The heavy guns of Guion and Pool now changed their direction and engaged the fleet, and so accurate was the aim of the North Carolina artillerymen that in less than an hour the vessels were driven off, one disabled and two others badly damaged. The attack from the land was, however, kept up with increased vigor. The fort continued to reply with spirit, the guns being well managed; but they were not able to do any considerable damage to mortar batteries and siege guns well protected. As the battle progressed, General Parke maintained a constant and accurate fire from rifled guns and mortars, disabling the guns of the fort, wounding men and doing much damage. At length, after twelve hours of severe bombardment, Colonel White realized the futility of further resistance and, believing that he had saved the honor of his flag and of his garrison, on the morning of the 26th he met General Burnside on Shackleford Banks and agreed on terms—that his men should be paroled until exchanged.

The Confederate loss was seven killed and 18 wounded. Of Colonel White's conduct it has been said that he excited admiration by his soldierly bearing, his utter disregard of all personal danger, his careful supervision of all the details of the fight, and his cheerfulness in every part where his presence seemed most needed. The same might, with equal certainty, be said of all officers and men engaged. In this, their first experience in terrible battle, of bursting shells, incessantly subjecting them to imminent peril, resolute in the face of adversity, as their companions fell around them, they bore themselves as brave and heroic North Carolinians, and, even in defeat, brought honor to their flag.

Reg. Hist.,  
V, 506

The reports of the Federal officers contained evidence of how well the fort was fought. "Six 32-pounder shot passed through my embrasure, one of which struck the Parrot gun. . . . 1,150 shots were fired from our three batteries. About 500 took effect within the works of the fort, not counting the shell that were exploded overhead." While the fall of the fort was inevitable, Colonel White made a gallant fight, and by holding out caused some delay in Federal operations that was of advantage to the Confederates. The captured garrison being paroled, some went inland to their homes, and others were transported to Wilmington.

Spruill's Regiment of cavalry was stationed at Wise's Fork in front of Kinston and did picket duty. It was poorly armed and had never been brought together before. The companies had not had the advantage of close association, and all lacked discipline. There was another cavalry at Swansboro and, together, they patrolled the country south of New Bern. Similarly, Burnside threw out parties that held the roads and burnt bridges. There were clashes such as that of Captain Strange's company with the Federal outpost near "Ten Mile" house, that by Captain Andrews's company at Tuscarora, and one near Newport. Of this Captain John Boothe reports that, being joined by Captain Hill and fifty men, and Lieut. Lot Humphrey with thirty men, on the evening of April 7, he approached Newport and attacked the Federal picket, killing one and capturing nine. Captain Boothe had his horse killed under him, and behaved

The cavalry

Reg. Hist.,  
II, 82



with intrepidity. His men likewise bore themselves admirably. Especially, he reported: "All praise is due to Lieutenant Mills Eure and Orderly Jordan, who led the charge."

On April 5 Baron Egloffstein, Colonel of the One Hundred and Third New York, an old soldier, with quite a number of foreign volunteers, moved out to Jones's farm, with instructions to make a detour and to proceed to the coast and join Parke in front of Fort Macon. After several minor encounters, on the night of the 13th the Baron reached Gillett's farm on White Oak, and Colonel Robinson with 200 of the Nineteenth approached to dislodge him. A plan of attack was agreed on by Robinson and his captains and an attempt was made to carry it into execution, but the men, for want of experience, did not stand up to their work. Like many a night attack, it miscarried, the men not knowing each other and not having been trained to obey directions. As agreed on, Colonel Robinson with about thirty men, among them Captain Strange and Captain Bryan, charged the rear of the house; but other parts of the plan failed. Colonel Robinson was wounded, fell from his horse and was taken. Capt. Josiah Turner, also, was wounded and fell from his horse, but escaped. Two privates were killed, five wounded and five others captured. Baron Egloffstein reported: "The enclosures of Gillett's farm were simultaneously attacked by 300 men. Gallant conduct was shown on the part of our officers and men. Three charges were repulsed with the greatest firmness, after which the enemy fled in confusion. Colonel William G. Robinson exhibited much boldness, and deserved being better sustained by his followers. He was wounded in the thigh, heading the third attack in person. . . . Two of our elites, Captain Lagner of the Prussian Artillery, and Lieutenant Martinez, Adjutant to General Garibaldi, wrested the Colonel from his command." The Baron, notwithstanding this success, determined to avoid another engagement and withdrew to Newport.

Gillett's  
farm

April 13

Turner  
wounded

## CHAPTER XLIV

### EASTERN CAROLINA AND THE PENINSULA

Burnside sends expedition to destroy the canal to Norfolk.—Colonel Wright holds South Mills.—Sawyer's Lane.—The Federals foiled.—The disorderly retreat.—Burnside's plan of operation.—Holmes's preparation of defense.—Dearth of arms.—Ashe calls for private arms.—Lee offers pikes.—The first arrival of arms from abroad.—Williamsburg.—The fifth North Carolina.—Johnston retires.—Burnside active.—The deplorable condition of the people.—Stanly Governor.—His conflict with the Abolitionists and lawless soldiers.—His attitude.—Badger writes "no Union feeling in the State."—Stanly resigns.—The depression in the eastern counties.—Blockade running.—The vessels.—The *Modern Greece*.—The Whitworth guns.

#### Expedition to destroy the canal

While Burnside was seeking to reduce Fort Macon, early in April, he dispatched a force of 600 men from Roanoke Island to Elizabeth City, but did not retain possession. A few days later a larger force under General Reno was directed to return to Elizabeth City and blow up the locks of the canal at South Mills, and then to destroy the canal through Currituck, cutting off communication with Norfolk. At midnight of the 19th General Hawkins disembarked his brigade of three regiments, while Reno followed with two other regiments and took the road to South Mills.

Col. A. R. Wright, with some companies of the Third Georgia, and some drafted Camden militia under Colonel Ferebee, McComas's Battery and one company of cavalry, held South Mills. On learning of this Federal movement, Colonel Wright marched forward to meet the advancing enemy, and took post at Sawyer's Lane, three miles from South Mills. At that point the road emerged from the woods into a field, with woods and swamps on either side, about 175 yards distant. On the edge of the woods, on both sides of the road and perpendicular to it, were a ditch and rail fence. Three hundred yards in advance was a large ditch; and farther on were houses, which Colonel Wright

Sawyer's  
Lane



caused to be burned, and he made other dispositions with great good judgment. The road admitted only two pieces of artillery, and he placed these where the road entered the woods, commanding about a mile down the lane.

At eleven o'clock Colonel Wright was joined by Colonel Reid and the remaining companies of the Third Georgia. Two of these he stationed at River Bridge to protect that road; and he sent three to the rear in reserve. The other companies he deployed on the right and left of the artillery. As the Federals approached, the smoke of the burning buildings rolled down on the advancing column and masked the Confederate position. But in a few moments the head of the column was seen, and the artillery opened on it.

Up to three o'clock, thrice had the Federals been driven back. Then General Reno dispatched the Fifty-first Pennsylvania and the Twenty-first Massachusetts to enter the woods on his right and turn the Confederate left, and sent the Ninth and Eighty-ninth New York to their aid, while the Sixth New Hampshire supported his four pieces of artillery. The Thirty-first Pennsylvania and Twenty-first Massachusetts attacked as ordered, and the Ninth New York gallantly charged the artillery, only to be driven back by grape, canister and musketry. Soon, however, the other advanced regiments rushed forward, and the battle became general along the line. Just then Captain McComas was killed, and his men, who had fought for four hours with great courage, became panic-stricken, and left the field, carrying their pieces with them. Colonel Wright, however, succeeded in rallying them and again getting their pieces in position, and as the enemy approached drove them back once more; but the ammunition in the limbers was exhausted and the artillery again retired. The enemy now made a last charge and were repelled by musketry. But, realizing that his position had been turned, Colonel Wright, taking advantage of the situation, fell back in good order to his intrenchments on Joy Creek, two miles in his rear. General Reno says, "The Sixth New Hampshire when within two hundred yards poured in a most deadly fire which demoralized the Confederates and finished the battle; but that his men were so completely

The  
encounter

fagged out that they could not pursue; and after resting under arms in line of battle until about ten o'clock, they were ordered to return to their boats."

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Colonel Wright that night likewise fell back to the northwest lock. He reported his loss as 6 killed, 19 wounded and 3 taken prisoners. The Federal loss was 13 killed, 101 wounded and 13 missing.

Four days after the battle General Hawkins wrote to General Burnside: "Doubtless the unfortunate occurrence of the 19th has been brought to your notice. No one can regret the result more than myself. First, because of the loss of life; second, the object of the expedition not being accomplished after all the obstacles had been removed. It seems that both parties were badly frightened. "The enemy ran like quarter horses to Norfolk, and we, as fast as our weary legs would carry us, leaving quite a number of our wounded, and destroying the bridges behind us." But if Colonel Wright did unnecessarily retire, he made a good fight while the battle was on.

The Federal  
retreat

The Federal retreat was disorderly, and the road was strewn with abandoned haversacks, muskets and canteens. On the next day General Blanchard was at South Mills, and reported that the Confederates were gathering many guns which the Federals had thrown away, and he sent 1,100 pounds of powder and many tools that they had left. For the Confederates the battle was a victory.

### Burnside's purposes

The forces of Burnside were so formidable, and the objects they could accomplish would be so disastrous to the Confederacy, that great attention was bestowed on their movements. Burnside was under the direction of General McClellan and his operations were primarily in aid of the Federal campaign in Virginia. He threatened Norfolk from the South; likewise the railroad from Weldon to Norfolk, and, also, the line from Wilmington to Weldon.

The objec-  
tives

On assuming command, therefore, General Holmes realized the possible extent of the operations he had to guard against, and he applied himself to his duties with zeal and

General  
Holmes's  
action



discretion. At the outset he appealed so earnestly for additional troops that although they could be but ill spared, several thousand men were sent him. He was in daily communication with General Lee, in command of the Southern Department, who, however, left him much to his own judgment. Burnside kept in New Bern only a small part of his force, and Holmes reported that he could take the town, but that the Federal gunboats could shell it and destroy the city, and that the movement was not desirable. On April 19, outside of the District of Cape Fear, where there were 3,600 effective men, including twenty companies of heavy artillery and cavalry, he had some 17,000 men, comprising sixteen North Carolina regiments and five from other states. The pressure on the Confederate lines in Virginia was so great that soon there was a demand for the return of some of these regiments to the front. There were men in the camp at Raleigh sufficient to replace these, but they were unarmed. In this dire extremity, General Lee wrote to General Holmes: "I have directed Major Ashe to get all he can." And he wrote to the State authorities, "It is hoped that the State would succeed in collecting private arms for the new regiments and by this time have them ready for the field."

No arms

Ashe calls  
for private  
arms

But as the effort to collect guns had not brought as many as desired, Major Ashe advertised that at the request of President Davis he had undertaken to collect arms, and for that purpose he had been invested with authority to borrow, purchase or, if necessary, to impress them. "I am satisfied," said he, "that it will never be necessary to resort to the use of the last named power. Patriots of North Carolina, our soil is invaded; and though we have men enough to repel the invaders, our men are useless unless they have arms. I will immediately appoint suitable agents empowered to borrow, purchase, or, if necessary, impress arms, but in the meantime let me entreat all true patriots to send in all muskets, rifles, etc., to the sheriffs of the counties, whom I hereby authorize to pay for good rifles and muskets thirteen to twenty dollars each." So vigilant were the guardians of liberty on the watch-towers that they turned

The watch-  
men alarmed

from the contemplation of the invading Federals and entered on an academic discussion of the rights to impress arms, some declaring that this was a plan to disarm the people of North Carolina so as to force them to obey the Confederate Government. And so strenuous were the objections that Governor Clark felt it his duty to issue a formal proclamation, "that any attempt to seize the arms of our citizens is at variance with the Constitution"; but he followed the lead of Major Ashe, and added: "I must also enjoin on you in this emergency, as an act of the highest patriotism and duty, that you should discover to the State authorities all public arms and sell to the State all arms that can be spared"; and the colonels of militia were directed to act as agents of the State. In the Convention a resolution was offered by Judge Badger highly commending the Governor's proclamation.

Clark's proclamation

Major Ashe paid no attention to their adverse criticisms, but continued the purchase of arms. The *Wilmington Journal*, however, temperately discussed the subject and pointed out that the difference between the actions of the Governor and of Major Ashe was that while the latter was purchasing arms through the sheriffs, the other appointed the militia colonels as agents. While there were gratifying responses to Ashe's appeal, boxes of guns being sent to Goldsboro from the interior as far west as Statesville, the supply was inadequate. And it is to be observed that Governor Clark's proclamation, while it tended to influence dissatisfaction among those who were critical of the Confederate Government, was commented on in the Northern press as evidence that the people of the State were turning away from the cause of independence.

### Lee's offer

In the extremity of the situation General Lee wrote to General Holmes: "If you can use them and desire it, I can order a number of pikes to be sent you. Owing to the lack of firearms, some of these have been sent to nearly every army in the field, and if well handled and wisely distributed, will undoubtedly do good service."

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**The first arms from abroad**

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A week later, fortunately, a part of the first shipment of arms from abroad reached Wilmington, and General Lee directed 2,400 to be given to General Holmes, enjoining that, "they be used to arm the flank companies of the regiments, the center companies having pikes or indifferent guns." One of the North Carolina brigades having been ordered to Virginia, General Holmes wrote asking to retain it, saying, "As for the six regiments at Raleigh, it is doubtful when I shall get them and still more doubtful when they shall be armed. The military camp there is a sort of hobby with the authorities."

Ibid., 471

Indeed, General Martin desired that those regiments should be formed into a division and be received by the Confederacy as such, and he be appointed a major general to command it.

Martin and  
Clingman  
Brigadiers

But the President was not authorized by law to accept troops in larger organizations than regiments, nor could he appoint General Martin a major general, but ten days later both Martin and Clingman were appointed brigadier generals and ordered to report to General Holmes, their brigades to be composed of North Carolina troops.

**Williamsburg**

The North  
Carolina  
regiments

In the meantime important movements were in progress in Virginia. On April 4 McClellan began to press Magruder on the peninsula, and the Confederate troops slowly retired. On the 16th a clash occurred at Lee's Mills, in which the Fifteenth North Carolina was engaged and behaved well, but unfortunately lost among others its gallant colonel, R. M. McKinney. By May 4 the retiring Confederates reached Williamsburg and, being hard pressed there, a battle ensued in which the Thirteenth, the brave and efficient A. M. Scales, Colonel, and the Fourteenth, P. W. Roberts, Colonel, and Manly's Battery participated; and the Fifth North Carolina, under the gallant and daring Colonel D. K. McRae, made a charge that brought great fame to the regiment. General Hancock, speaking of the

Fifth North Carolina Regiment and of the Twenty-fourth Virginia, said in a burst of enthusiasm, "Those two regiments deserve to have 'immortal' inscribed on their banners." Of 415 men led into the battle by Colonel McRae, 290 fell on the field, and only four commissioned officers out of twenty-four escaped unhurt. Three days later Reilley's Battery and the Sixth North Carolina, Colonel Pender, were under fire, but not seriously engaged. McClellan continued to press forward, and the Confederates, not equal to a general engagement, constantly retired before him. In May Norfolk was evacuated by the Confederates.

Hancock's  
tribute

In North Carolina active operations continued in the front of General Holmes. From New Bern as a center there were constant excursions by the Federal forces. On the evening of the 26th of April Baron Egloffstein with cavalry and infantry encountered a detachment of cavalry near Pollocksville, and after a stiff fight drove them off. Three days later the Confederates attacked the Federal picket near Batchelders Creek, killing and wounding several. This was followed by another attack at Deep Gully on the Trenton road three days later with the same success.

Pollocksville

Deep Gully

### The inhabitants of the east

Indeed the situation within the eastern counties had become so alarming that many families that were able to do so left their homes and sought refuge in the interior, and in some communities the social conditions were materially affected by their withdrawal. Some of those who remained became more amenable to Federal influence, and here and there Union sentiments were fostered by men of local prominence, who had ever been devoted to the Union. When the Federal expedition reached Washington the mayor of the town and other respectable citizens met the vessels some distance below and conducted them up and friendly greetings were extended to the officers and men. A banner bearing the inscription, "The Union and the Constitution," was stretched across the main street and the music of the Federal band was vociferously cheered. Elsewhere a similar spirit was indicated, and, somewhat later, a delegation

At Washing-  
ton

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of eight citizens left Washington County and requested that a Federal force should be sent to Plymouth.

Cotton to be  
removed

As the North needed greatly cotton, tobacco and naval stores, and the presence of these commodities induced raids into the interior, the Secretary of War directed that all these articles should be removed west of the railroad, or they would be burnt to prevent their falling into the hands of the Federal troops. These measures, the demoralization of the negroes, and the growing Union sentiment among those who were not slaveholders, and the constant movements of Federal detachments greatly disturbed the inhabitants and kept them in a state of alarm.

Trenton

Young's  
Cross Roads

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On the night of the 13th of May Colonel Amery with the Third New York Cavalry, the Seventeenth and Twenty-fifth Massachusetts and two pieces of artillery started on an extensive reconnaissance, and when about five miles from Trenton was attacked and the column retired. The Second Maryland had been sent to Pollocksville in aid of this expedition, and it was attacked by Confederate cavalry at Young's Cross Roads. The next day the fight was renewed, but the Federal force received orders to withdraw. Near Merritt's house the Third New York Cavalry had an encounter with a squadron of cavalry on the 15th, but under orders it too returned to New Bern that afternoon.

### **Stanly the Federal Governor**

Although Taylor and Foster were not recognized by Congress, yet on the sand dunes of Hatteras they sported their empty honors with zeal and high resolve. However, six months later, when Burnside was in possession of New Bern, President Lincoln, in pursuance of the policy he had mapped out for the reëstablishment of Federal authority in such territory as was occupied by his troops, appointed a military governor of North Carolina. For this purpose he selected Edward Stanly, who, sprung from a long-established local family, in earlier life had been a distinguished resident of the New Bern section, and had served with distinction in the North Carolina Assembly and in Congress. In 1853, however, he was defeated for Congress, and was

wooded by the call of the West. He had had a duel with Inge, a Democrat from Alabama, and it so happened that both of them moved to California. There Stanly followed the bent of many of the Northern Whigs and allied himself with "the freesoil party," and was so prominent that he became the Republican candidate for governor of that state. Misunderstanding the people of North Carolina, he undertook to lead them back into the Union. The President himself was under equal misapprehension, and seemed to have considered the secession movement as merely a slaveholders' rebellion and without any strength or support from the nonslaveholders of the South.

Appointed Military Governor with the rank of Brigadier General, Stanly arrived at his old home in New Bern on the 26th of May, and entered on his duties with a flourish of trumpets. But he found that his former social friends had fled from their homes and that the marauding activities of the Federal forces had caused a reign of terror, and that numbers of negroes had been taken from the plantations and brought to New Bern. His own view was to maintain the laws of the State and merely reestablish the authority of the Federal government as it was of old. He felt outraged by the lawlessness of the soldiers who robbed the inhabitants of their property and even desecrated graveyards in their search for plunder; and he soon was in conflict with those who in defiance of North Carolina law were treating the negro slaves as free men. H. H. Helper, the author of *The Impending Crisis*, was among those who had gathered at New Bern. His speeches to the soldiers and negroes were so out of tune with Stanly's purposes that he requested Helper to leave. Indeed Stanly's attitude was such that each house of Congress asked President Lincoln for information in regard to him. In reply, Stanly stood his ground, saying that the object of the war was to restore the Union. But he found that many Union men sincerely believed that the President proposed the entire destruction and total desolation of the South, with unlimited emancipation and ruin.

May, 1862

Stanly's  
awkward  
situation

Helper



Badger's  
view

Hon. John S. Ely had written a letter to Stanly congratulating him on his appointment as being a suitable person to lead the people back into the Union. A copy of this letter was conveyed to Mrs. Badger, at Raleigh. Thereupon Judge Badger wrote a letter to Mr. Ely, which was sent to Mr. Stanly. In it, Judge Badger affirmed: "There is no Union feeling in North Carolina. . . . There was a very strong Union feeling, but as soon as Mr. Lincoln's proclamation of April, 1861, appeared, our position was taken without a moment's hesitation. From that moment, however though we may have differed in other things, there had not been, and there is not, any difference; hence our people with one heart sprang to arms." This letter was made public and printed in the newspapers of the State.

Stanly sought by all means in his power to instill Union sentiments among the people of the eastern counties, and without doubt he was to some extent successful.

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Stanly  
resigns

In the election for Governor of the State, his influence was given to Vance, as the candidate of the *Standard*. In some of the counties within the Federal lines no election was held; and in others, while but few votes were cast, Johnston received relatively none. Although Stanly was Governor, necessarily Burnside's orders took precedence, much to his discomfiture. Besides, he was ignored by both the State and the Confederate military authorities, neither of which would communicate with him. Still he sought to carry out his purposes, and in December he held an election for a representative in Congress, Jennings Pigott, his private secretary, being chosen: but Pigott met the fate of Foster and was denied a seat in Congress. A month later, Stanly resigned and returned to California, and the farce of having a Federal Governor of the State ceased.

### The eastern counties

The invasion of the eastern counties, and the ease with which the Federals gained possession, the confusion that resulted from their occupancy, and the damages sustained by the inhabitants, many of whom sought to remove their families, negroes and other property out of the reach of

the enemy, all had an influence in increasing the depression. And to this was added the deprivation that attended separation from all the marts of commerce. The war coming on suddenly, no unusual stock of supplies had been accumulated either for the use of the government or for the inhabitants; and, for a period, there was an entire cessation of imports. The necessary articles not produced at home soon became scarce, and, while such substitutes as could be devised were brought into use, every family severely felt the deprivation. But the suffering was a common dispensation and, generally, it was cheerfully borne in a spirit of patriotism and sacrifice. Thoughts chiefly were for the comfort and welfare of the fathers, husbands, sons and brothers who were in the fields battling for their firesides, their families and their country.

#### **Blockade runners**

While a blockade of the Southern ports was ordained in April, 1861, the Federals were tardy in enforcing it; so that for some months sailing vessels as well as steamers were still engaged in commerce. In July, however, a United States steamship was stationed off the mouth of the Cape Fear as a blockader, but her presence availed but little for in the three months—June, July and August—no less than forty-two vessels entered Wilmington. Indeed, the river, having two mouths, each lined with sand bars and shoals, and well protected by Forts Caswell and Fisher and their subsidiary batteries, it was difficult to arrest this commerce, which daily became more profitable as the value of cotton and produce rose, and the necessity for imported goods increased. The Confederate Government, however, had not acted with far-sighted intelligence in providing for the exigencies of the war, and while the State of North Carolina had not made the same mistake, yet the authorities had not fully measured up to the requirements of the situation. Indeed, at first there was an indisposition to consider that the war was to be to the knife and the hilt, and that, like other great conflicts, its final outcome was measurably to depend on the respective resources of the contestants. Of



all the Southern States North Carolina seemed to be alone in making provision for meeting the exigencies. The Legislature early made large appropriations for the purchase of supplies.

The vessels

However, the great commercial firm of John Fraser & Co. of Charleston, owning several steamers that had been used between Charleston and Savannah and other points on the coast, turned over the *Cecile* to the Confederate Government, and Capt. J. N. Maffitt, on January 7, 1862, was ordered to take her out and bring in arms and ammunition.

On February 5, the *North Carolina*, under the new name of *Annie Childs*, so called for the wife of Col. F. L. Childs who had been chief of artillery, loaded with cotton, corn and tobacco, arrived at Queenstown. Early in March she changed her name to *Victory* and made many voyages.

Confederate  
government  
ship

The old *Governor Dudley*, that had plied between Wilmington and Charleston, carried from Charleston 400 bales of cotton, and arrived at Nassau on February 11, and there, changing her name to the *Nellie*, entered on the career of importing goods. It took several weeks to make a trip to Nassau and back. With the beginning of 1862 the Confederate Government became active. The *Carolina*, now named the *Kate*, commanded by Captain Therman J. Lockwood, of the Cape Fear, was employed by the Confederate Government in bringing in supplies, and the *Cecile* was lost on the Florida coast bringing in arms for Johnston at Shiloh.

British  
adventurers

At first the private ventures were by the merchants and others of the South; but British adventurers became engaged in this commerce, and the fast vessels of the Clyde were found particularly suited for it. It attained considerable proportions in 1862, and the State of North Carolina then engaged in it.

Martin's  
idea

During the Revolutionary War the State made heavy importations that went far towards the general success of the struggle for independence, and early in 1861 that precedent was again recommended, especially by General Martin, the Adjutant General of the State, and ample funds were provided. But as there was no particular authorization to

buy a vessel, the matter lay dormant, pending the term of Governor Clark, who, expecting to retire in September, left such measures open for the new administration.

### The Modern Greece

While many successful voyages were made by the vessels running the blockade, some came to grief, and among the earlier misfortunes that was particularly lamented was the loss of the *Modern Greece*, a British propeller of about 1,000 tons register, one of the largest vessels engaged in this hazardous commerce. On the night of June 26, 1862, the *Modern Greece* approached her destination and by four o'clock the next morning, having evaded many cruisers, she was within three miles of Fort Fisher, and all seemed well. But suddenly in the early morning the *Cambridge*, one of the blockading fleet, saw her and opened fire, and the *Stars and Stripes*, another on the watch, joined in the chase. Her position was such that escape was hopeless, and she was beached to avoid capture. Fort Fisher opened on the gunboats and drove them off; but the *Modern Greece* was a total wreck. Much of the valuable cargo, however, was saved, a thousand tons of powder, spirits, clothing, 650 small rifles, and 4 Whitworth rifles, 12-pound caliber. The bore of the Whitworths was not round, but octagonal, having a twist throughout the length of the gun, and these guns had a range of five miles and carried with remarkable precision. As soon as these guns were installed Colonel Lamb at Fort Fisher made the blockaders remove their anchorage five miles from the shore. And so many vessels were saved by these guns that they soon had such a reputation that the War Department ordered two of them to Virginia and a third to the South. The remaining one, unfortunately, fell into the hands of the enemy in August, 1863.

Whitworth  
guns



## CHAPTER XLV

### CONSCRIPTION—SEVEN PINES

The end of the Convention.—The arrest of Respass.—The Convention unpopular.—The Piedmont Railroad.—Adjourns.—The candidacy for Governor.—Johnston.—The attitude of the press.—Holden.—Merrimon suggests Vance.—Johnston and Vance.—The campaign.—Northern views.—Mistaken views.—The military emergency leads to conscription.—The exemptions.—General Johnston retires.—McClellan advances.—Seven Pines.—Hill's fine work.—Davis and Lee on the ground.—Johnston wounded.—Pettigrew wounded.—Pender promoted.—E. A. Osborne.—A Confederate victory.—Holmes sent beyond the Mississippi.—Hill.—Martin.—Pettigrew.—Account of his capture.—Hanover Court House.—Branch commended.—The heroism of the brigade.

#### **The end of the convention**

May, 1862

Originally the majority of the convention had been Secessionists rather than Union men, but through changes in membership it had become a "Conservative" body under the leadership of old Whigs who were out of sympathy with the Democrats. That a spirit of patriotism pervaded the body was manifested in much of its action—in its financial measures, in its bounties to those soldiers who should enlist for three years, and in its additions to the military forces of the State, but that it was animated by a party spirit is likewise apparent. That it should have refused to impose a test oath might be a subject of remark, for such a measure might have been molded to avoid objections, and that it refused after months of consideration to adopt some measure punishing conduct inimical to the cause of the State was more remarkable still. A proposed ordinance making punishable any attempt to convey intelligence to the enemy, endeavoring to incite insurrection, persuading the people to return to dependence on the government of the United States, was voted down, as, if those acts should be held permissible, the lives of soldiers might be imperiled, military operations might be defeated, and disaster might be wrought to the cause in which so much blood

had been shed and so many lives sacrificed; but the Convention refused to enact preventive legislation. The Mayor of Washington was charged with conveying intelligence to the enemy; some of the soldiers, men of that town, went into the town and arrested him. General Ransom was in command, and he sent him on to Richmond. Mayor Respass had made a visit to the Federals at Beaufort, and there was a strong sentiment against him. But quickly after he was carried to Richmond he was brought before a court martial and, after an examination into the facts, without argument he was acquitted, the complaints against him having been made by persons at enmity with him and being shown to be groundless. But in the Convention Mr. Badger introduced a resolution requesting Governor Clark to demand his return to the State, and a fierce debate was in progress until it was quieted by the information that he had been discharged. At the time, the son of the culprit, Colonel Respass, had been appointed by General Burnside Lieutenant Colonel of the first regiment of Union soldiers raised in North Carolina and was engaged in enlisting men for his command. Later Colonel Respass resigned his Federal commission and became a neutral during the war.

The arrest  
of Respass

In time, the Convention had been unpopular. Called for the specific purpose of seceding from the Union, it was no longer in harmony with the Secessionists, and, although its work had been accomplished, it perpetuated itself for other purposes. It lost the respect of the people. The *Wilmington Journal*, generally guarded and parliamentary, said, "It has no right to live longer, but, like a mule, it refuses to die. We call on all the members who are tired of the farcical tragedy or tragical farce to leave Raleigh, and leave the would-be governors and senators in their glory. Let the office seekers sit alone, and the State will know them." Eventually it did adjourn, on May 13, 1862, but with the expectation of being reconvened by its president, for there was much unfinished business on its calendar and it contemplated a complete revision of the Constitution. It had acted on the basis that it represented the people in their sovereign capacity, and it exercised all the powers of gov-

Journal,  
Feb. 8

May 13,  
1862

Convention  
adjourns



The Pied-  
mont road

Messages of  
the Confed-  
eracy, I, 151

ernment, wielding both the purse and the sword. It had passed ordinances that it declared to be irrepealable, and had spent months discussing proposed alterations in the Constitution that were to be submitted to the people, but never were. Among its ordinances were those taxing slaves as property, conferring suffrage on the Jewish citizens, chartering the Chatham Railroad Company and other corporations, particularly the Piedmont road. Major Ashe had theretofore prevented this charter; but now conditions demanded it, and he, being in charge of all the Confederate transportation from the Mississippi River to Richmond, urged the necessity of its construction. There was still some opposition, but a charter was granted under which the road was constructed by the War Department. The Convention was never reconvened, and as soon as the members returned home the canvass for Governor and for the new Assembly began with great activity.

#### **The election of governor**

1861

The right of Governor Clark to fill out the term for which Ellis had been elected continued to be discussed, and the effort made in the Legislature in August to declare the office vacant was renewed in the Convention in December. It was alleged that Holden, hoping to be chosen, instigated the resolution introduced in the Convention for that body to proceed to the election of a governor; but while a majority of the members held that Governor Clark did not succeed to Ellis's term, they followed the Legislature in declining to elect. The farthest they would go was to fix the date for the inauguration of the new governor on the second Monday in September, leaving it to the people to make their own choice at the regular election in August, and, because of the necessity of the case, the Convention extended the tenure of the acting governor after Clark's term as Senator from Edgecombe had expired.

1862

While the Convention was still in session various movements were made to bring out suitable candidates for governor. In February, several papers had mentioned Col.

William Johnston, a practical business man of Whig antecedents and a railroad president, who had built more miles of railroad without State aid than any other man in the whole South; but, while a Union man, he had early advocated State action as probably preventing war, and had coöperated with the Democrats. About the middle of March a meeting, held in Rutherford County, suggested Col. Z. B. Vance, and almost contemporaneously a communication appeared in the *Standard* advocating Governor Graham. The *Standard*, referring to the suggestion of Johnston's name, editorially declared that he ought not to be supported as he was a Secessionist and had voted for Edwards.

Johnston  
brought out

Battle Per.  
Con.

Other papers thought that as the people were now united in a common effort for independence past differences ought not to be regarded, and that a convention should be held to select a nominee, who should be accepted by the whole State. While the Fayetteville *Observer* and nearly the entire press agreed to this, the *Standard* opposed it; nor did the Wilmington *Journal* deem it practicable, and it was not acted on. Later the *Journal* urged that the editors of the State should meet in Raleigh on the 20th of May and select a candidate whom they would all support. But this, too, was ignored. In the diversity of sentiment and purposes there was no middle ground on which all could stand together, and indeed the *Standard*, feeling that a majority of the people was with it, did not propose to promote unity, but rather courted a trial of strength that would bring victory to those in coöperation with it. The *Standard*, therefore, while declaring that the Democrats would oppose any old Union man whomsoever, looked around for a former Whig for a candidate. The suggestion of Graham had been received with favor in the central and northwestern parts of the State, where the papers quickly responded in his advocacy, and on April 9, the *Standard* editorially advocated his selection. Still, others were proposed, among them, John Pool, who had been defeated by Ellis at the previous election, and Patterson of Caldwell. But Governor Graham, standing far highest in public esteem, was the favorite, and

Different  
views

The  
Standard

Other names



1862

The press

Holden's  
campaign

Vance

he, seeing that public opinion was turning towards him, thought it proper to decline to allow his name to be considered. Ten days later the *Wilmington Journal* remarked that the papers at and west of Raleigh had been considering the choice of a governor, but those at the east had their thoughts fixed on other matters, and it urged unity and a spirit of harmony. But the papers at Raleigh set the pace for their friends in the counties, and at Raleigh there was an irrepressible conflict. The *Register* and the *Standard* were in a state of constant warfare, and party division was inevitable. Assuming that all had a common purpose to secure independence, the line of division would apparently have been of no great consequence; but the height to which party spirit ran boded ill for that harmony which was indispensable for hearty coöperation in a common undertaking. And indeed Holden from the first seemed bent on opposing his former Democratic friends who had denied him the political honors that had been the object of his ambition. The matter of a governor was again at sea. Holden, the leading spirit in "opposition," offered a resolution in the Convention thanking the ladies of the State for their patriotic ardor and action in the war. At the moment he was in accord with the entire Convention, and his resolution was unanimously adopted. A week after the Convention adjourned the *Standard* began its campaign. The *Standard* declared that it was "a party war," and that the war was conducted by the Democrats as a "party war"; that "the old Whigs were proscribed and only Secessionists were appointed to office." It was the old story of the wolf and the lamb and the muddy stream. When Graham declined, Holden "determined to fix on Vance," who had likewise developed strength at the west and had won laurels as a soldier; and, indeed, he was particularly mentioned as an example of Democratic proscription, the statement being that while Branch, a Democrat, had been made a brigadier general, Vance, a Union man, had been ignored. But, in fact, Vance had been authorized to raise a legion. On May 24 Polk and Wilkes held a meeting advocating Vance, and in the opening days of July, Alexander and Moore joined

their voices, followed by Macon and reinforced by letters in the *Standard* from Davie, Iredell, Cumberland and other counties.

At Holden's instance A. S. Merrimon of Buncombe came to Raleigh and, after a conference, went to Fayetteville to secure the coöperation of E. J. Hale, the editor of the *Observer*, whose influence was potent with the Whig element in the State. These preliminary steps having been taken, the *Standard* announced "The People's Ticket: Colonel Z. B. Vance."

Holden's  
Memoirs, 20

Vance had in September declined to allow his name to be used for Congress, saying that should he now, after he had acquired sufficient military knowledge to begin to be useful, accept a civil appointment, he would be violating his promise to the people; and when the *Standard* published this ticket the *Register* and other papers said that Holden was only paving the way for his own candidacy by bringing out men who would not accept. Vance, however, was persuaded to accept, and in a letter to the *Standard* of June 15, he said, "A true man should be content with the people's will." But he "sincerely deprecated" the growing tendency to party strife, which every patriot should shun in the presence of common danger. I earnestly pray," said he, "for that unity of sentiment and fraternity of feeling which alone can enable us to prosecute this war for liberty and independence to a glorious and triumphant issue." But while that was Vance's declaration, evidently Holden was not in line with him, for Holden was intent on purposes very divergent from those entertained by Vance. The contest was now narrowed to Vance and Colonel Johnston, whose name had been formerly presented by meetings in Mecklenburg and Gaston, where his friends from several counties gathered for the purpose.

Dowd's Life  
of Vance, 68

Contest  
narrows

In reply to appeals for unity and harmony, the *Standard*, especially with regard to members of the Assembly, proclaimed "No compromise; no fusion—original Secessionists are destructives, old Union men are conservatives"; and, urging the conservatives to stand apart, it sought to draw the sheep into one fold and to drive the goats into another.

The  
Standard's  
challenge



1862

“Have nothing to do with the destructive, take them down . . . . If you have nature in you, fear it not. You have the power, use it.” And presently the canvass, despite the efforts of thoughtful men, became heated. The *Wilmington Journal*, deprecating any action that would inflame differences, urged that there should be no public speaking; but Holden declared: “Honest men do not fear a public discussion, but only the selfish, the venal and the guilty.” The *Journal*, however, said that it was a matter the people could control, and urged the people to refuse to vote for any candidate that entered into discussion.

The  
campaign

Apart from a few speeches in the army by Vance, the policy of the *Journal* prevailed; but the columns of the papers were open, and both Vance and Johnston were assailed vigorously. “If Vance is the patriot and fine soldier claimed for him,” said the *Register*, “why does he not remain in the field?” “Ah!” replied the *Standard*, “If Colonel Johnston is the ardent Southerner he professes to be, why is it he is not in the field?” “But here is Colonel Vance, in the very pinch of the war, in the face of the foe, with his sword drawn, ready for action. . . . Where is Colonel Johnston? In his office at Columbia managing his railroad.” And in some of the western papers the Johnston ticket was printed “Johnston of South Carolina.” Of Johnston it was said, “he is a careful, prudent, efficient public man, the very man to administer the affairs of state in these trying times; while Vance is an untried man in business, a pleasant gentleman, good speaker and tells a joke well, and perhaps he will make a good soldier.” Then again it was said, “Johnston is not in the fighting line, Vance is the patriotic, intrepid soldier.” And so Vance became the soldiers’ candidate. But divergencies were not merely as to the men. In its effort to promote dissension, the *Standard* insisted that “party spirit destroyed the old government and placed our liberties and property in peril.” On May 28: “One class preferred to destroy the old government, some of them from motives of unholy ambition; and as a class they are impetuous, hare-brained, reckless of consequences, so their side is uppermost.”

May, 1862

Indeed the dissensions in North Carolina moved the Richmond *Enquirer* to counsel moderation. On June 18: "Has the editor of the *Standard* seen the reproduction of his articles in the New York *Herald*, has he seen a late number of that sheet, containing extracts from the Raleigh *Standard* headed in staring capitals, 'The Southern Confederacy virtually repudiated in North Carolina'?" But the *Standard* in reply insisted that it had acted strictly on the defensive. "We have raised our voice in protest, remonstrance and denunciation, and we have called on the people to come forward and reform their government and save their liberties from the encroachments of power, and from the polluting poison of partyism and favoritism in the midst of war." But the impression conveyed by the course of the *Standard* was one of unfriendliness to the Southern cause; and it held up the Secessionists as "destructives," as if the action in "destroying the old government were matter of complaint"; and so out of tune was it with the prevailing Southern sentiment that on June 18, the Philadelphia *Inquirer*, commenting on its editorials, said: "But here it comes out square and full, and, in defiance of the Rebel powers, plants itself beside the old and honored Union. Who can doubt that a state where such words are boldly uttered, at a hundred miles distance from our armies, is ready to return, is even now returning, from her prodigal and ruinous career?"

June, 1862

Northern  
views

It had been committed to Governor Stanly to promote and develop Union sentiments, and the newspapers at New Bern and Washington found in the attitude of the *Standard* comfort and satisfaction, and the growth of Unionism in North Carolina was heralded throughout the North. Indeed the *Herald* was so far misled that it said, "The proclamation of Governor Clark (in the matter of arms) and the demand upon Jeff. Davis to liberate the Mayor of Washington, imprisoned for alleged treason, and the caving in of the Rebel government by quickly yielding him up, are facts that speak volumes. . . . The proclamation of Mr. Lincoln in North Carolina and Tennessee will give the finishing blow to the Rebellion."



On the other hand Judge Badger had written a letter to Mr. Ely of New York, which he sent through Governor Stanly, declaring that "there was no Union sentiment in the State." But despite such assertions the actions of large numbers of the inhabitants in those localities where the Federals had penetrated sustained the view that North Carolina was all but ready to return to the Union.

### Mistaken views

On the sudden outbreak of hostilities, it was almost inconceivable that a long and desperate war would be waged by the Northern people against the South; and, on the other hand, President Lincoln seems to have held the view that the withdrawal of the Southern States from the Union was a movement in the interest of a few slaveholders, and the great bulk of the Southern whites, being nonslaveholding and attached to the Union, would not be concerned in maintaining secession, so that the "slaveholders' rebellion or insurrection" would be speedily crushed. Thus on neither side was the obstinacy of the struggle fully appreciated at its inception. Mr. Lincoln's first call for troops was for 75,000 men to serve for only three months. But quickly the term of enlistment for North Carolina volunteers was fixed at twelve months—and ten regiments were organized to serve for the war.

The war  
spirit

It was much the same in other states. The men everywhere volunteered so eagerly that there were not arms to equip them, and in the spring of 1862 thousands were in camps, awaiting arms. But as the first year drew to its close McClellan was moving on Richmond and the Federals, with vast armies, were threatening every section of the Confederacy. Thus it was deemed of the first importance that the defense should not be weakened by the disbanding of the regiments that had been organized. It would have been suicidal to uncover Richmond in the presence of such a skillful general as McClellan, who proudly boasted that his "army was the finest that had ever been on this planet."

Conscription

The emergency was great, and it could only be met by preserving the Confederate force as it stood. So in April,

1862, the Confederate Congress passed an act drafting into the Confederate service all men within the Confederacy between the ages of eighteen and thirty-five.

This act in its operation had several effects. While it continued in the service the men within those ages who had already volunteered it brought into the army others who had not shared the perils, hardships and vicissitudes of the military service. If those citizens who had taken up arms at first were to be continued by law as soldiers; it was only fair that all others should be put on the same footing. But this provision subjecting those who had not volunteered to military duty was regarded as a hardship by many who did not desire to be in the Army. It tended to create dissatisfaction at home, and its constitutionality was questioned, and it was denounced as oppressive, tyrannous and illegal. In North Carolina there was very much feeling against it.

April, 1862

The effect

The companies and regiments were continued as entities and organizations, but they were to be reorganized by a new election of company and field officers. This was to be effected within forty days under the direction of the generals commanding. At these elections many officers were replaced by new ones. So it happened that in April and May, 1862, new company and field officers were elected by all the North Carolina regiments, except the ten enlisted for the war.

Reorgani-  
zation

To soften the operation of the act all men within the ages who had not enlisted were allowed to volunteer and attach themselves to the companies of their choice. But this privilege was to be exercised before they were enrolled as conscripts. For the enrollment, each militia company in every state was to have a muster, and every man found liable to service was to report at a camp of instruction established for that state. Major Peter Mallett was the conscript officer for North Carolina and the camp was at Raleigh. The enrollment was ordered for July 8 and by the 15th of July every conscript was to report at the camp. Earlier than that date there were no conscripts in the Confederate Army.

Enrollment  
ordered



There were some exemptions provided in the act, among them the necessary officers of the State, ministers, teachers, persons engaged in foundries, cotton and woolen mills, etc., and one enrolled as a conscript could provide a substitute who was not within the ages.

Unpopular  
measures

The standard infantry company was sixty-four men, and as it was desirable to keep the strength of the several regiments and companies up to good efficiency, the conscripts were to be assigned to companies according to the exigencies of the service. Many companies had become so depleted that they were mere squads, and to restore their strength the conscripts were apportioned as needed. This assignment of a man to a company not of his selection was likewise unpopular and was deemed a hardship, and it added to the opposition developed against the law. Later, for prudential reasons, Congress extended the exemption to one white man on a plantation working twenty negroes; and this was another cause of decrying the entire measure.

#### **Johnston retires before McClellan**

May 31

McClellan, advancing up the peninsula near the James, by the end of May had reached Seven Pines, about seven miles from Richmond. The Chickahominy, a wide, sluggish stream, rising to the north of the city, runs southeastward, and then stretches out parallel with the James. Heavy and wide morasses lay along its course, the principal one, below Fair Oaks, being known as White Oak Swamp. McClellan had established a base of supplies at the White House on the Pamunkey, at the terminus of the York River Railroad, and his forces occupied both sides of the Chickahominy. Johnston had fallen back as the Federals advanced, not hazarding a general engagement. McClellan, a skilled engineer, relying greatly on the efficiency of intrenchments, had from the first thoroughly intrenched his positions, and his troops near Seven Pines were disposed in three lines well fortified by intrenchments and redoubts. At length, about the end of May, there being two Federal corps south of the Chickahominy and one, Sumner's on the other side of that stream, Johnston concentrated his

Seven Pines

brigades, and a heavy rain having raised the waters, interfering with the passage of Sumner's troops, Johnston deemed it expedient to attack. He directed Gen. G. W. Smith, who was next in command, to advance on his left, preventing any reinforcement by Sumner's corps. Huger was to proceed on the extreme right and, turning McClellan's left, was to make a flank attack. When Huger had opened, Longstreet was to make the main assault, directly in front.

1862

Plan of  
attack

### The battle

These dispositions were to be made in the early morning of May 31, but there was delay both by Huger and Smith, the high water in the low grounds delaying their movements, and neither had opened his guns when at one o'clock, Longstreet, not willing to wait longer, directed Gen. D. H. Hill to make the front assault. Hill's work was splendidly done; and, after an arduous conflict, bloody and well sustained, the Federals were driven from their first intrenchments back to their second line, and then routed and forced to their third line, and finally driven from that with the loss of eight pieces of artillery and 6,000 muskets.

May 31

Hill's fine  
work

Pressed on the left by Huger and in front by Hill, the broken Federal regiments fell back toward Sumner, who hurried reinforcements across the Chickahominy to them. On the other side it was not until near five o'clock that G. W. Smith came into action, and while the Confederate right had been victorious, on the left the contest was undecided when night put an end to the conflict.

President Davis and his military adviser, General Lee, were on the field, and their presence added to the ardor and enthusiasm of the victorious Confederates. Just at nightfall General Johnston, in the hour of victory, fell badly wounded. He was borne off the field on a limber of one of Manly's gun carriages. The President, while deploring this misfortune, at once designated General Lee to take command. The field had been hotly contested, the Confederates fighting with the utmost courage and the Federals stoutly withstanding them; and the losses on each side were heavy. McClellan states the Federal loss at 5,739;

Davis  
and Lee

Johnston



others at twice that number. The Confederate loss was about 4,000.

### The North Carolinians

The Fourth  
North Caro-  
lina

Among the regiments engaged in the direct attack were the Fourth, Fifth and Twenty-third North Carolina. Of the Fourth, it is recorded that out of twenty-five officers twenty-three were either killed or wounded, only Major Bryan Grimes and one other officer escaping unhurt; while of 678 men of that regiment 74 were killed and 264 wounded severely; the entire North Carolina loss being almost 160 killed and 600 wounded. How the North Carolinians fought is well indicated by the statements made in a letter by John A. Young when he returned to Governor Clark the flag of the Fourth, asking for a new one: "You will perceive that it has been pierced by thirty-seven balls, and the shaft shivered in two places. Seven brave standard bearers were shot down while charging the enemy's fortifications, but their places were so instantly supplied by another and another that it can scarce be said to have fallen. Once it was seized in its fall by the gallant Major Bryan Grimes, who commanded the regiment, and borne onward amid the heaviest of the enemy's fire, until Private Steele of Company B sprang forward and asked permission to relieve him."

The other North Carolina regiments engaged were the Sixth, Sixteenth and Twenty-second, and fortunately these did not suffer as heavily.

Pettigrew  
wounded

General Pettigrew was badly wounded. It is related that when assistance came to remove him from the field, feeling that his wound was mortal, he directed that he be left, and others moved. He thus fell into the hands of the enemy, but fortunately he recovered.

Pender  
promoted

The President, being an eye-witness to Colonel Pender's masterly conduct in battle, approached him, and addressed him: "General Pender, I salute you"—promoting him on the field. It happened that among the wounded on the field that night lay Lieut. E. A. Osborne, and on the approach of a Federal soldier prowling for spoils, Osborne took him prisoner and forced him to carry him on his back into the

Osborne's  
feat

Confederate lines. Osborne afterwards became one of the most famous of the North Carolina colonels. Years later he was a minister, and he served as chaplain in the Spanish-American War.

The next morning the Federals advanced and made a furious assault; but presently they became quiet, and the battle was not renewed. McClellan had lost an important position. The Confederates had checked his advance. It was their victory. As such the South hailed it, and the spirit of the people was strengthened by the resulting enthusiasm.

When making new dispositions, on June 21, General Holmes's department was extended to include Drewrys Bluff on the James, with headquarters at Petersburg. His troops were located south of the James, where he was joined by the brigades of Martin and French, to prevent an attack on the railroad. But soon General Holmes, in July, was assigned to the command of the department west of the Mississippi, and Maj. Gen. D. H. Hill succeeded him.

Holmes sent  
west

On August 12 General Martin was assigned to the command of the troops in North Carolina and it was hoped that as Adjutant General of the State he could protect the State. General Martin had tendered his resignation as Adjutant General, and this order was made to obviate that necessity. General Pettigrew, who had been exchanged, was given command of Martin's Brigade and was at Petersburg.

Official  
Records,  
Series I,  
Vol. IX, 478

Other-  
changes

General Pettigrew, after his return, exchanged, wrote to Capt. John W. Hinsdale, the Adjutant General of his brigade: "Major Lacy told me you were all disturbed at not bringing me off the field. You could not possibly have changed it. At the time I entered the wood none of the staff were with me, all having been sent off. I did not expect to be in the wood more than ten minutes, but I was unfortunately shot while attempting to ascertain the position of the enemy. The ball entered the lower part of the throat, striking the windpipe, glanced to the right, passed under the collar bone, struck the head of the shoulder and glanced again upward, tearing the bones. It unfortunately cut an

Capture of  
Pettigrew



artery and I would have bled to death had it not been for Colonel Bull. I became entirely unconscious. The same reasons which made me refuse to be carried off would have held had you all been there, and I should have ordered you to report to Colonel Thomas. I subsequently received another shot in the left arm, and a bayonet in the right leg; spent the night on the battlefield, and a little before day was carried to a Yankee camp. My right leg is still partially paralyzed, but I am recovering the use of it."

### **Hanover Court House**

May 27,  
1862

About the middle of May Branch's brigade had been ordered to join Jackson in the Valley, but for a time it was detained and because of McClellan's movement, it was directed to take post at Hanover Court House, where Anderson's Division was to join it in arresting the Federal advance. But hardly had the North Carolina brigade reached its position before Porter, with Morell's Division and Warren's Brigade, fell on it to drive it off. Branch had only his own six regiments, Wade's Twelfth North Carolina and the Forty-fifth Georgia. Holding the Georgia regiment and the Seventh in reserve, Branch threw forward Lane's Regiment and Latham's Battery to support his pickets, and the engagement at once began. Lane soon found himself in conflict with Butterworth's entire brigade, and, seeking the protection of a convenient fence, he maintained the fight, until, superior numbers separating him from the brigade, he retired, and three days elapsed before he reached camp.

Death of  
Campbell

Reuben Campbell, Colonel of the Seventh, a graduate of West Point, who had served with distinction in Mexico, had practically converted the regiment into regulars. A part of his regiment had been sent to charge a battery. Color bearer after color bearer had fallen, when Campbell seized the flag and, advancing, ordered his men to follow him. He had nearly gained the battery when struck and was instantly killed. Then Lieut. Duncan Haywood took the flag, but at once fell, and the assault failed.

Branch early in the battle had engaged Martindale's Brigade, whose center had broken after an hour's contest;

but heavy Federal reinforcements coming up, he, too, had no option but to retire. Soon, however, Anderson's Division arriving, Porter retired, and the battle was not renewed. Branch's loss was 73 killed, 192 wounded and 700 prisoners.

It was a stubborn fight, with virtually raw troops on both sides, and while the disparity was great, Porter having about three times as many men as Branch, the North Carolinians stood up manfully, the Federal loss being 62 killed, 223 wounded and 70 missing. General Branch received the commendation of General Lee both for his own conduct and the "gallant manner your troops opposed a very superior force"; and the result of the battle gave great satisfaction to North Carolina.

Lee  
commends  
Branch

This, the first encounter of Branch's Brigade, immediately after debarking from the cars, was only a prelude to their heroic conduct on every other field.



## CHAPTER XLVI

### THE BATTLES AROUND RICHMOND

Stonewall Jackson.—General Lee in command.—McClellan's army.—Governor Clark's activity.—Lee's army.—The position.—Lee's plan.—A. P. Hill moves in at Mechanicsville.—Pender's charge.—The Federals retire.—Gaines Mills.—The victory.—North Carolina's losses.—McClellan abandons York River.—Retreats to the James.—Savage Station.—Frazier's Farm.—Malvern Hill.—End of the conflict.—The losses.—Lee's magnanimity.—Ransom's Brigade.—The North Carolina casualties.—Colonels Lee, Stokes and Meares.

#### Stonewall Jackson

June, 1862

While Johnston was retiring in the front of McClellan and Lee was under a cloud because of his unsuccessful campaign in Western Virginia, Jackson, who had won the title of Stonewall at Bull Run, appeared in another role. In the Valley of Virginia he was no longer a mere "stonewall," but, rather, an avenging angel on horseback—carrying a flaming sword, and the destroyer of the Federal invaders. His operations were rapid and his performances marvelous, and his fame resounded throughout the South while his achievements startled the North. Indeed, the Federal Administration feared lest his victorious columns should press on and capture Washington.

His bold and rapid movements, always winning victory, made him a hero; while his habit of prayer and of private communion for hours together with his Maker, his habitual silence, his fearlessness, and apparent exemption from the deadly perils of battle as if specially favored by a protecting Providence, invested him with higher attributes, and he became sanctified in the hearts of the people.

On the 12th of June he had freed the Valley of the last Federal column sent to suppress him, and, having closed his wonderful campaign, he moved his victorious army to Port Republic on the Potomac; and the road to Washington seemed open to him. To meet this possible danger

President Lincoln hurried McDowell from Fredericksburg to interpose in Jackson's front. With Jackson, sharing in the honors of the Valley Campaign, there was one North Carolina regiment, the Twenty-first, Colonel Kirkland, and Wharton's Sharpshooters.

### General Lee

President Davis, a man of unusual intelligence, large experience, and possessing much information and knowledge of the higher officers of the Confederate Army, had a decided judgment respecting them. Notwithstanding General Lee's failure in his first campaign, Mr. Davis lost no confidence in his superior excellence, and when McClellan began his movement on Richmond he called Lee to his aid as Military Adviser. Like Lee, McClellan was skilled in war, and they both understood that victory inclined to the heaviest battalions, and that in a contest of strength the decision at last depended in large measure on relative numbers. McClellan, therefore, was continually calling for reinforcements and additions to his already large army, and, knowing that the Confederates must attack him, he always strengthened every position by thoroughly intrenching, putting the assailing party at a disadvantage.

McClellan

Even while Johnston was still in command, the War Department had planned measures to increase the army of defense, and every effort was made to that end. The State of North Carolina had raised a force of fifteen thousand men purely for State defense, and these men were in camp, but unarmed and not equipped. The Department confided to Governor Clark its purposes and plans and the Governor entered heart and soul into them. Despite the presence at New Bern of Burnside and his army of invasion, as soon as these North Carolina troops, who indeed were the only ones in the whole Confederacy not in active service, could be prepared, they were quickly transported to Richmond. And, then General Lee further brought every available man from the South—5,000 from Georgia under Lawton; 6,000 from South Carolina under Ripley, and, at the last moment, 6,000 from North Carolina under Holmes, leaving but a

Governor  
Clark

The North  
Carolina  
troops

Lee collects  
his army



regiment of cavalry and one of infantry and some batteries in front of Burnside. In addition, he arranged for Stonewall Jackson to join him with his victorious corps. Altogether, Lee was thus able to swell the Confederate numbers to 81,000 men. But McClellan was still stronger, having 100,000 in front of Richmond, and 40,000 at Fredericksburg under McDowell, which, however, toward the end of June had been removed to Jackson's front.

The relative positions

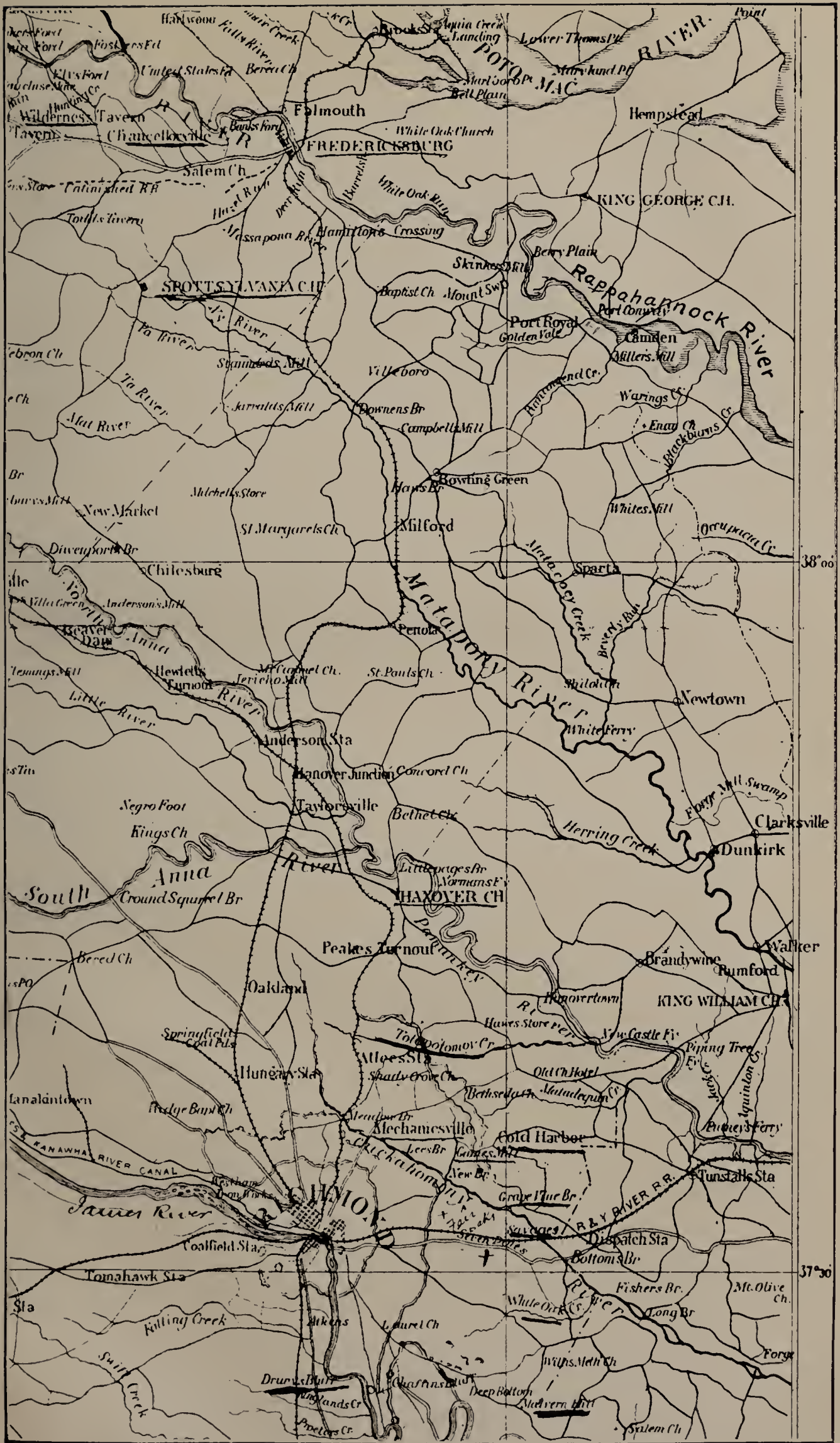
Lee's plan

A. P. Hill moves

Pender

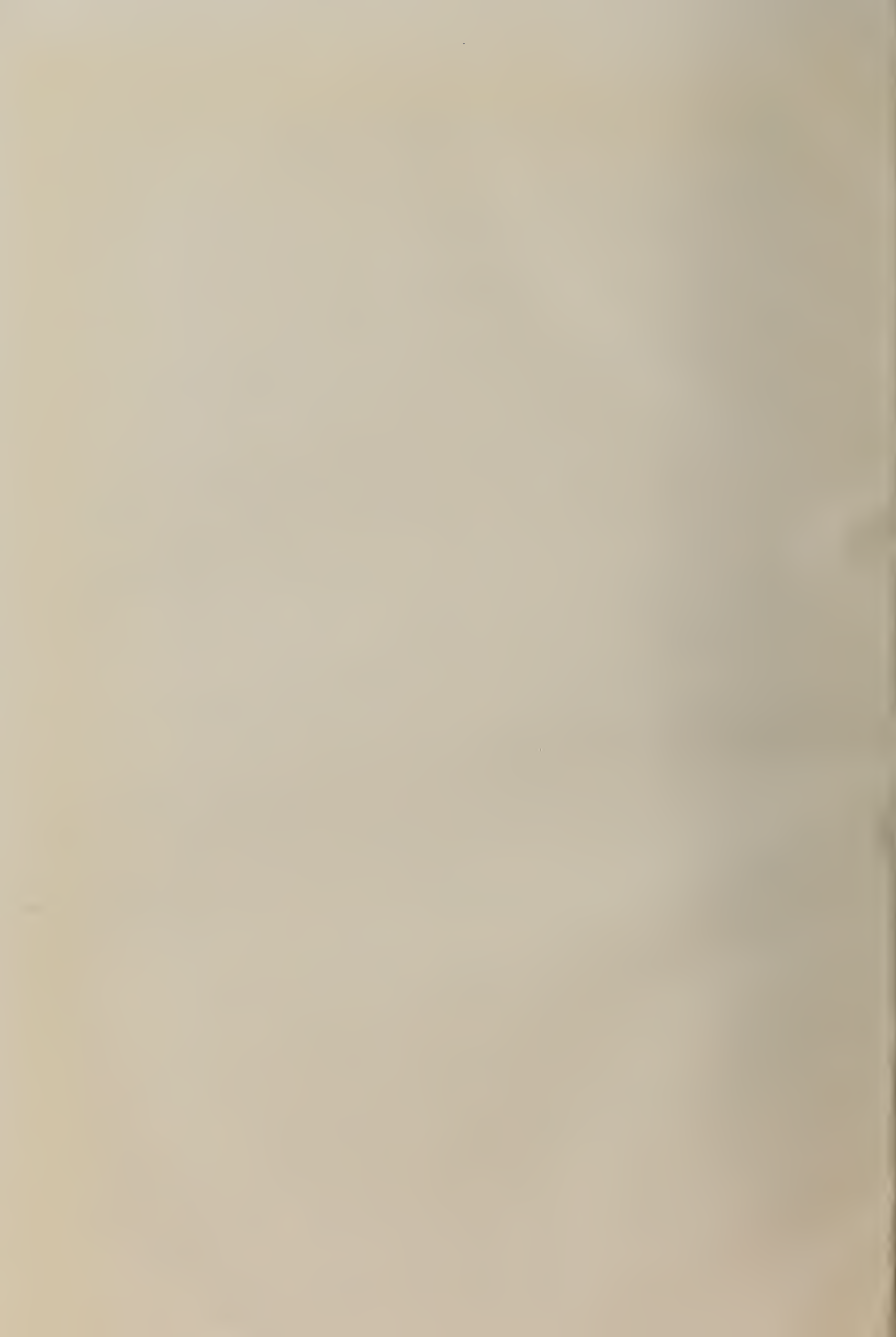
The battle begins

On taking command, Lee had himself intrenched, his line running from Chapin's Bluff on the James, in front of Seven Pines and Fair Oaks, to the Chickahominy; and, then, on the south bank of that stream beyond the north of Richmond. McClellan was also well intrenched, especially at chosen positions, for about nine miles on the north of the Chickahominy up to Mechanicsville, which Reynolds occupied with 7,000 men, while Porter was at Gaines Mills some five miles below, with 18,000 men. Some three weeks of terrific weather put a stop to McClellan's operations, and Lee had time to perfect his arrangements. Lee was always a fighter; he made his plans, took the initiative and sought to effect his purpose. He arranged for Jackson to secretly abandon the Valley and be near Mechanicsville on the morning of June 26, and for Magruder, Huger and Holmes, with 30,000 men, to attack McClellan at Fair Oaks on that morning. And Lee was none too soon, for McClellan himself was now preparing to attack. Magruder attacked as planned; but Jackson failing to reach his position until late in the afternoon, there was a delay in the movement at the north. Finally, about five o'clock, A. P. Hill moved to attack Reynolds, finding his advance intrenched at Ellison Mills, half a mile from Mechanicsville and seven miles from Richmond. It was General Pender's fortune to lead the columns that opened the battle on that fateful day, to start the movement that was to eventuate in the greatest series of battles ever known to American history, and to result in the destruction of McClellan's army, of which the proud boast had been made that it was the finest army that had ever been on the planet. Pender's Brigade was composed of the Sixteenth, Colonel McElroy; Twentieth, Colonel Conner; Thirty-fourth, Colonel Riddick, and Thirty-eighth, Col. W. J.



MAP OF OPERATIONS AROUND RICHMOND AND IN THE WILDERNESS CAMPAIGN





Hoke, and these began the battle. Pender met with stubborn resistance, but his resolution and intrepidity were shared by his officers and men, and despite terrible losses, his regiments pressed on. Again President Davis was on the field and, witnessing Pender's conduct and the havoc of his heroic charge, he directed Gen. D. H. Hill to send a brigade to his assistance, and Ripley's Brigade was put in, carrying the First North Carolina, Colonel Stokes, and the Thirtieth, Colonel Meares. Pender himself was wounded, as well as Colonel McElroy and Conner, while Colonel Stokes of the First was killed; but the Federals being driven from the river, the way was open to Longstreet and D. H. Hill to cross. The Federals retired at first to the intrenchments that had been prepared for them at Beaver Dam and then during the night to Gaines Mills. Lee had now on the north of the Chickahominy over forty thousand men, while McClellan, not knowing of Jackson's arrival, contented himself with adding fifteen thousand as a reinforcement to Porter.

The Federals  
retire

Porter's new position was one of immense strength. It was a plateau ending on the northwest side in a bluff some eighty feet in height, and bounded by a stream along its base, ten feet wide and five or six feet deep, thus forming a natural ditch. Three lines of breastworks, rising one above the other, had been constructed on the base of the bluff, and its crest was crowned with artillery. And, while Federal artillery on the south of the stream enfiladed the front, on his extreme right, at Cold Harbor, many batteries were planted on a commanding eminence. The natural advantages of the position were extraordinarily adapted for defense, and art and skill had been exhausted in preparation. Porter, having been reinforced, had about fifty thousand men and Lee about forty thousand. The battle known as Cold Harbor or Gaines Mills was one of the most strenuous of the war. Lee waited for Jackson to come up, and then at one o'clock Longstreet and A. P. Hill attacked; Longstreet being in the front of the Federal left, A. P. Hill attacking on the center, and D. H. Hill on the Confederate left. Jackson, when he arrived, joined the latter.

Gaines Mills



Complete  
victory

Twenty N. C.  
regiments

The contest was undetermined when, towards night, Lee having ordered a general advance, a great movement was made, and almost simultaneously the Federal line was broken both on the right and on the left. General Lee ascribed the first break to D. H. Hill, saying that Hill reached the crest of the ridge, and after a sanguinary struggle, broke the enemy's line, captured several of his batteries and drove him in confusion towards the Chickahominy. Along with Hill were Anderson's and Garland's North Carolina brigades. Almost simultaneously the line was broken by A. P. Hill on the Confederate right, where Branch's and Pender's brigades and the Sixth Regiment, Colonel Avery, were engaged along with others. All together there were twenty North Carolina regiments in the engagement.

The spoils

North Caro-  
lina's losses

A vivid account of this famous charge is: The brigades advanced with the defiant yell of the Southern soldiers; in the face of a murderous fire of artillery and small arms, charged the front line of the enemy, which gave way and, being pressed, carried disorder into the second line, which fell into a panic and gave way; and the two lines, rushing madly to the rear in wild disorder, swept away the third, and a general rout ensued. The artillery upon the crests of the hill in the rear joined in the general tumult. Many of the guns were taken at the point of the bayonet. Twenty-six pieces of artillery, several thousand small guns and five thousand prisoners fell into the hands of the victorious Confederates. The Federal loss was 9,000, and that of the Confederates somewhat greater. The North Carolina loss was very severe. Colonel Campbell, Colonel Lee and Colonel Faison were killed; General Pender, Colonels Hoke, Riddick, Lane and Cowan, Majors Cole and Shotwell were wounded.

While this terrible battle was in progress McClellan might have still further reinforced Porter, but Magruder again made a demonstration attacking the Federals on the south of the Chickahominy, which prevented such a movement. The Confederate victory was complete, and it was, indeed, a crushing defeat for McClellan. When night closed in

Lee was in undisputed possession of the field, but firing continued for two hours notwithstanding the darkness. June 29

During the night, realizing his defeat, McClellan determined to abandon his York River base, and he withdrew Porter's corps and all other troops from the north of the Chickahominy, and began a retreat to the James, which, however, the Confederates failed to discover at the time. On abandoning his York River base McClellan sought to save what stores he could and to destroy all he could not. One long train of stores was run upon a partially destroyed bridge into the river. York River  
base abandoned

Lee seized the York River Railroad, effectually cutting off McClellan's communications with that base of supplies, but McClellan had already abandoned it, and had begun his retreat to the James. On the 29th Lee, having recrossed to the south of the Chickahominy with all his troops, except Jackson and Ewell and Stuart's cavalry, at noon began to follow the retiring Federal army. It soon became evident that McClellan was in full retreat, on every side being indications of his hasty flight. Immense piles of baggage, clothing, stores of all kinds had been destroyed. And his hospital camp, containing some 3,000 sick and wounded, was likewise abandoned. Retreat to  
the James

About noon Magruder fell in with Sumner's corps acting as a rear guard holding Savage Station, where the Federals were strongly intrenched. Some time was consumed in making dispositions for the attack, which in the afternoon was made with spirit and vigor; but it was nightfall before Sumner, after suffering heavy loss, was driven from his works. He, however, retreated and made the passage of White Oak Swamp that night. Jackson was now ordered to cross to the south and relieve Magruder in the direct pursuit, while the other divisions were to seek to assail McClellan's flanks. Savage  
Station

At three o'clock on the 30th, Lee with Longstreet and A. P. Hill struck the Federal column at Frazier's Farm. Jackson and Huger were to have been on the Federal flank, but they failed to be there, and only a part of Lee's army was engaged with the entire Federal force. The field, Frazier's  
Farm



Branch

however, was open and the Federals did not have their usual advantages of intrenchments. Branch's Brigade was thrown to the right. In his congratulatory address to his troops, he mentioned: "On Monday, at Frazier's Farm, you were again in the heat of the engagement from its opening to its close, driving the enemy before you for a great distance, and capturing a battery."

Federals  
stand at  
Malvern Hill

The Federal resistance in the center was strong, and it was not broken until late in the afternoon when a charge by Pender and Field of A. P. Hill's Division finally broke it. Colonel Lee fell on the field, and Colonel Lane was badly wounded. The Confederate loss was heavy. During the day McClellan had continued his movement to the rear and occupied Malvern Hill. Indeed, he had dispatched General Porter to select a position "beyond which the army could be withdrawn in safety," and Porter selected Malvern Hill. It was certainly a strong position with every natural advantage for defense. Porter's description of it is: "The hill was flanked with ravines, enfiladed by our fire; the ground in front was sloping, and over it our artillery and infantry, themselves protected by the crest and ridges, had clear sweep for their fire. In all directions for several hundred yards the land over which the attacking force could advance was almost clear of forests and was generally cultivated." The corps of Porter and Keyes were all day fortifying this position, and as the retreating forces reached it Porter placed them to advantage. All night long the movement was continued, so that when morning broke McClellan had his entire army concentrated and intrenched in an impregnable position. McClellan's right was covered by a creek, and his left rested on the James, his front being enfiladed by the fire of his gunboats, while Malvern Hill, crowned by numerous batteries, dominated the country around. The Confederates were under every disadvantage.

Plan of  
battle

Magruder, with Huger and Holmes, was to make the attack on the right, Jackson on the left. D. H. Hill on the extreme left was to attack with the bayonet as soon as Magruder moved in. To be ready, Hill advanced over some open ground to a timber only four hundred yards from the

enemy's line. It was five o'clock when some firing and cheering on the right indicated that Magruder was making his delayed assault, and then Hill led his charge. He carried the enemy's first line; but Magruder, not having moved in, the Federals concentrated and drove Hill off with severe loss. The brigades of Trimble, Lawton, Winder and Cunningham were sent to his aid, but without avail. At length, about sunset, Magruder moved in; ten brigades threw themselves heavily on the enemy, among them being six North Carolina regiments. But D. H. Hill having been repulsed, his column shared the same fate. Indeed the Confederates fought under every disadvantage. Their artillery was in the low ground and could not be used effectively, while three hundred cannon hurled death and destruction from the crowned crests of Malvern Hill. Long during the war was the artillery battle of that day a vivid memory to those subjected to the terrible ordeal. The loss of the Confederates was heavy, and much was it deplored. Yet the sacrifice was not in vain. It was the end of the great and prolonged conflict, and the result was indicated by McClellan's telegram to Washington, "I need fifty thousand men." In less than two hours after the contest had ceased he gave orders to resume the retreat to Harrison's Landing, and at midnight his utterly exhausted soldiers were groping their staggering way in all the confusion of a fleeing and routed army. The end of the invasion had come.

Hill's charge

July 1,  
1862End of the  
conflict

The Confederate loss: 3,279 killed, 15,857 wounded. North Carolina, 650 killed, 3,297 wounded. Confederates captured 52 pieces of artillery, 10,000 prisoners, 27,000 arms, and stores to a great amount.

Some results

### **The general result**

While the general result desired by Lee was attained, and the strategy he used in connection with his plan was masterly, yet it happened that on nearly every day he suffered severe disappointment because his directions had not been observed and his particular purpose had not been achieved as planned. This was unknown at the time either by his army or the country, and Lee, whose magnanimity was un-

Lee's  
magnanimity



Appreciation  
of Jackson

excelled, for his greatness of soul was only equaled by his greatness as a general, never uttered any complaint; but members of his military family were conversant with the incidents, and one night a few weeks later the author was shocked beyond expression to hear one of them exclaim in a fit of anger, "Damn Jackson, he is always doing what he ought not to!" These disappointing incidents are adverted to in Long's *Memoirs* and Taylor's *Destruction and Reconstruction*. But never again was Lee to be disappointed by Jackson in action. There was the utmost cordiality, reliance, confidence, and appreciation on the part of both of them.

Officers  
killed

Among those killed were Colonels Stokes, Meares, Campbell and Lee; Lieutenant Colonels Petway and Faison, and Majors Compton, Skinner and Huske. The victory was dearly bought.

Ransom's  
Brigade

Robert Ransom's Brigade, composed of the Twenty-fourth, Twenty-fifth, Twenty-sixth, Thirty-fifth, Forty-eighth and Forty-ninth, was ordered from North Carolina on June 20, and reported to General Huger on the Williamsburg road on June 25, and it was repeatedly engaged, until finally at 7 p.m. on July 1, at Malvern Hill, it made one of the last and most desperate assaults. Its losses during that period were three colonels wounded, several field officers and many company officers killed, and 499 privates either killed or wounded.

### **The North Carolina troops**

In the battles around Richmond the other North Carolina regiments engaged were brigaded as follows:

In Whiting's Brigade—the Sixth, Colonel Avery.

In Branch's Brigade, A. P. Hill's Division—Seventh, Eighteenth, Twenty-eighth, Thirty-third and Thirty-seventh.

In Pender's Brigade—Sixteenth, Twenty-second, Thirty-fourth and Thirty-eighth.

In Garland's Brigade, D. H. Hill's Division—Thirteenth, Twenty-third, Fifth, Twelfth and Twentieth.

In G. B. Anderson's Brigade—Second, Fourth, Thirtieth and Fourteenth.

In Ripley's Brigade—First (Stokes), Third (Meares).

In Webb's Brigade, McLaw's Division—Fifteenth (McKinney).

In Trimble's Brigade, Ewell's Division—Twenty-first (Kirkland).

In Daniel's Brigade, Holmes's Division—Forty-third, Forty-fifth, Fiftieth, Thirty-second and Fifty-third.

In Walker's Brigade—Twenty-seventh, Forty-sixth, Forty-eighth and Fifteenth.

There was one regiment of North Carolina cavalry. There were four batteries and two battalions.

Garland's Brigade lost 815, Pender's 763, Branch's 641, G. B. Andrews's 450, Ripley's 424; the others not so many.

### **The Losses**

As the terrible news of the great battles around Richmond spread throughout the State, and the lists of the killed and wounded were published, every community was involved in sorrow, and the private woes of the families rose to the height of a public calamity. Thousands of households mourned their dead, and ten thousand were afflicted with the agony of anxiety and dread. Among the victims were the bravest spirits, the most gallant sons, the best and most beloved—and heads were bowed and hearts were broken at the sacrifice.

Among the slain deeply lamented were Colonels Lee, Stokes and Meares. Late on the evening of June 30, Colonel C. C. Lee of the Thirty-seventh Regiment was unfortunately killed by a cannon ball. His regiment with the rest of Branch's Brigade was charging a battery, and had driven the enemy before them some considerable distance. When about a hundred yards from the battery as he shouted: "On, my brave boys," he fell. Adjutant William T. Nickleson raised him up, but he instantly expired in his arms.

Stokes was the son of Governor Montfort Stokes of Wilkes County. He had been a major in the Mexican War and had survived all the perils of that conflict, and now was honored by his State by being accorded the preëminence of



Colonel of the first regiment of State troops. He fell on his first field of battle at Ellison's Mills.

Gaston Meares, who fell at Malvern Hill on the last day of the titanic strife, struck in the forehead, was a son of the distinguished and honored William B. Meares of Wilmington. In early life he had had two years training at West Point. Having settled in Arkansas, in 1846 he was adjutant of Colonel Yell's Arkansas regiment in the Mexican War, and was elected by it Lieutenant Colonel. Returning to Wilmington in 1848, the citizens there presented him with a handsome sword in recognition of his military service. Eventually, he located in New York City as a merchant. He was appointed Colonel of the Third Regiment. He was a man of rare ability and of singular purity, and of such military characteristics that had he been spared he would certainly have attained high distinction.

## CHAPTER XLVII

### LEE IN MARYLAND—VANCE GOVERNOR

The election of Governor.—The campaign.—The soldiers vote.—Vance elected.—Lee's plans.—Disaffection from Chatham to Wilkes.—Cedar Mountain.—Warrenton Springs.—Manassas Junction.—Jackson takes position.—Second Manassas.—The battle on the left.—Pope's error.—The renewed assault.—Longstreet.—The victory.—Ox Hill.—Harpers Ferry.—Boonsboro Gap.—Sharpsburg.—Branch.—Conditions in summer.—Martin's Brigade.—Given to Pettigrew.—Vance's fine inaugural.—Holden.—Lot Humphrey.—The death of Ashe.—The yellow fever.

#### The election—Vance and Johnston

As August approached, notwithstanding the sorrows of the afflicted people, the political contest grew in intensity in the editorial sanctums of Raleigh, and at some other points, although but few were in sympathy with the bitter utterances of those papers. The *Wilmington Journal*, giving expression to the views of the Confederate people of the lower section of the State, and declaring that it had no hand in bringing out either of the candidates, urged the election of Johnston as the more capable of the two, but admitted that Vance could tell an anecdote better than his opponent. And that paper strenuously objected to the general policy of the *Standard* and of the *Fayetteville Observer* drawing lines between those who had advocated secession prior to Lincoln's proclamation and those who stood for the Union up to that event. Vance's attitude to the cause of the South was not a subject of adverse comment, but the purposes of his leading supporters to establish antagonistic parties was denounced. Vance was Holden's candidate, and the Federal paper published at New Bern was quoting from the *Standard* and holding the *Standard* up to its readers as a Union paper, adverse to the Confederacy.

As there had been no conventions and no organization, the antagonistic editors at Raleigh measurably conducted the contest, and never did Holden in all the years of his fine

Aug., 1862

The campaign



editorial work manage with greater finesse and display more astuteness and acumen; while, on the other hand, some of the Johnston papers were betrayed into the blunder of assailing Vance's personal record and patriotic devotion to the South. Vance, in advertising for companies to constitute a legion, had said: "Turn out and let's make short work of old Abe," and forty companies promptly responded; yet the *Iredell Express* said: "We shall expect soon to hear that the *Standard's* ally at New Bern has nominated Colonel Vance"; and the *Standard* alleged that the *Express* spoke of Vance as "the Northern or Federal candidate."

Standard,  
July 30

"Remember," cried the *Raleigh Register* as a last appeal, "remember that if Zebulon Vance shall be elected Governor the Yankees will claim it as an indisputable sign that the Union sentiment is in the ascendancy in the heart of the Southern Confederacy." To this the *Standard* replied: "Go to the polls and rebuke these atrocious libels on Colonel Vance. You are proclaimed submissionists, traitors. You have the power in the State. Use it."

Vance's de-  
votion

Notwithstanding Vance was a candidate for Governor of the State, he had remained with his regiment all through the battles around Richmond, and was particularly engaged in the last—Malvern Hill. Vance was young, dashing, and captivating in manner as in appearance. He was already distinguished for his ready wit and eloquence. In the charge at Malvern Hill a rabbit was jumped, and it ran past the men. The men raised a shout, in which Vance joined, crying out: "Go it, Cotton Tail: if I had no more reputation to lose than you, I would run too!" At the election he received every vote in his regiment except seven.

In camp,  
July 31

Under the ordinance of the Convention the soldiers were to vote on the 31st of July, the returns being made to their respective counties. The result, as far as ascertained, was in the army about two for Vance to one for Johnston. In the counties, Vance received 46,736, and Johnston 16,452. Four counties within the Federal lines made no returns. The entire vote was 38,000 fewer than in 1860. The Governor was to be sworn in the second Monday in September.

The vote

**Lee's plans**

After the battles around Richmond, McClellan's army being virtually defeated, Lee divided his army into two corps, one being commanded by Stonewall Jackson, the other by Longstreet. He sent troops back to North Carolina and along the coast, and left some divisions at Richmond and Petersburg. On July 13, Lee dispatched Jackson to Gordonsville with some 20,000 troops, among them being A. P. Hill's Light Division, containing Pender's and Branch's brigades. As soon as Pender had recovered from his wounds he rejoined his brigade and began to practice his regiments in brigade drill. Theretofore the colonels had assiduously practiced regimental drills, but Pender now introduced the brigade drill, and soon all the other brigades were following his example, much to the benefit of the Army.

Pender be-  
gins brigade  
drill

The effect of the political agitation and of the onslaught made by Holden and his followers on the Secessionists and the Administration now became apparent. Disaffection was prevalent. There were many desertions. At first, by some, it was supposed that the men did not intend to separate themselves from the army, but only were possessed by an overpowering desire to return home and see their families. But unfortunately another spirit was infused among them and desertions soon became numerous. The counties of Chatham, Guilford, Randolph, Forsyth, Yadkin, Iredell and Wilkes were particularly affected. These counties gave Vance about twenty times as many votes as they gave Johnston, and the feeling among the people at home doubtless had its influence on the soldiers. The change in sentiment was ominous, but among those whose endeavors were centered on success it seems to have been measurably disregarded. At any rate, the men who were intent on upholding the Confederacy did not turn their thoughts from the purpose that engaged them.

Disaffection

The affected  
counties

**Cedar Mountain**

Jackson found an opportunity to engage Banks's Corps under Pope's command, at Cedar Mountain, about eight

August 9



1862

Branch and  
Pender

Hill, 94

Official  
Records,  
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184

August 21

Warrenton  
SpringsManassas  
Junction

miles from Culpeper, on the 9th of August; but as Jackson approached, before his entire force was up, Banks made the attack, his soldiers fighting well. However, A. P. Hill's Division, arriving in time, extended Jackson's front to the left, and Branch's Brigade drove the enemy in its front. Still farther to the left Pender struck Gordon's Federal Brigade on the flank; and, a general advance being made along the entire line, the Federals were routed and driven off the field. The victory was largely due to the effective work of the two North Carolina brigades, although their loss was only slight. The Union loss was 2,381; that of the Confederates was 1,276. After the enemy had retired, General Pender, with a selected detachment of three hundred men, advanced beyond the stream and remained there during the night as a guard from an early attack, for Seigel was expected to join Banks, and the battle might be renewed. Pender's advanced position was hardly three hundred yards from the Federal army. The Confederates gathered up 5,302 small arms.

Jackson, after maintaining his position for two days, returned to Gordonsville and there was joined by General Lee and Longstreet's Corps. On the twenty-first, Jackson moved up the Rappahannock, and found the enemy at Warrenton Springs, where there was heavy artillery firing on the 24th. Then, Longstreet coming up and the Federals not being aware of the substitution, Jackson moved rapidly through Thoroughfare Gap and penetrated the rear of Pope's army. He seized Manassas Junction with its vast stores. On the morning of the 27th, as Pender's Brigade approached the junction, Taylor's New Jersey brigade, along with other Federal organizations, utterly at sea as to what was the situation, moved up in fine style, in perfect formation, as if on parade. Pender's Brigade, with Branch's and two others, quickly drove them away and then followed them across Bull Run.

On that forced march the weather was very warm and the soldiers suffered very much, the more that they were separated from all commissary stores, had no rations, and subsisted largely on green corn plucked from the fields en route.

At twelve o'clock that night Hill's Division marched to Centerville, some five miles, and the next day moved back towards Thoroughfare Gap, it being expected that Longstreet would follow Jackson. In the meantime, Pope, entirely mystified, for his own headquarters near Warrenton had been visited by General Stuart, and he knew nothing of what forces were in his rear, ordered his various corps to proceed towards Manassas Junction and capture the marauders. When Pender's Brigade had forded Bull Run some distance above Stone Bridge, it camped at edge of a wood to the south of which lay a wide stretch of open country. Pender, coming up, observed some men far away across the fields, and deciding that they must be a Federal column; ordered his brigade to resume their arms, and hurried off to Jackson. Presently, there was an order for Jackson's Divisions to move, and they were conducted to the positions they continued to occupy for three days. With a ravine and a mountain in the rear, they were protected from any attack in that quarter, while they were screened from observation, being in woods, where they lay along the fine Warrenton turnpike that the Federals would travel. In front of Jackson's left was a deep railroad cut that afforded some advantage.

Centerville

Pender

The position  
chosen

### Second Manassas

Towards evening Jackson made his dispositions, and when the Federal column, King's Division of McDowell's Corps, approached on the turnpike Ewell and Taliaferro's Division assailed it, and a stubborn fight ensued that lasted until ten o'clock. The engagement was sanguinary. General Hood states "the fighting was so close that the foes intermingled," and that "commanders of both armies gave orders for alignment, in some instances, to the troops of their opponents." Volleys were exchanged at such short range that "brave men in blue and brave men in gray fell dead almost in one another's arms." Generals Ewell and Taliaferro were wounded, the former losing a leg, and Lieut. Col. Saunders Fulton of the Twenty-first North Carolina was killed.



Pope's  
pursuit

Pope, having reached Centerville and finding no Confederates, supposed that they were fleeing from his wrath, and the next morning issued orders forming his forces into "an army of pursuit," and entered on the pursuit.

August 29

Branch and  
Pender

On Jackson's right was his old division, towards Groveton. Ewell's Division held the center, and A. P. Hill was on the left towards Sudley Springs. On the morning of the 29th Seigel fell in with Jackson's right and was repulsed. Later, Hooker, Kearney and Reno came up on the left and center. Pope, endeavoring to turn Jackson's flank and rout him, made his chief assault on the left, where Branch and Pender were engaged. The Federals, perhaps underestimating the forces in their front, moved in with elan and stubbornly maintained the fight.

The railroad  
cut

The close  
quarters

For a time the battle swayed backward and forward through the woods, Jackson with great prudence acting on the defensive, and not risking a conclusion until Lee should have come up with Longstreet's Corps. The Federals at times penetrated into the woods held by the Confederates, and once they reached the railroad cut, occupied by Thomas, where, ammunition being exhausted, stones were used, and the bayonet and the butt-end of the musket. General Grover, who was in this charge, reports that "bayonet wounds were given," and he saw "a Confederate colonel struck on the head by a musket." Gen. Bradley Johnson saw at least "one man killed by a stone." He saw "a Federal flag hold its position for half an hour within ten yards of the Confederate regiments in the cut, and go down six or eight times, and after the fight one hundred dead men were lying twenty yards from the cut and some of them within two feet of it." Pender, coming to Thomas's aid, hurled the enemy back. "The evident intention of the enemy this day," said Gen. A. P. Hill, "was to turn our left and overwhelm Jackson's Corps before Longstreet came up, and, to accomplish this, the most persistent and furious onsets were made by column after column of infantry, accompanied by numerous batteries of artillery. Soon my reserves were all in, and up to six o'clock my division, assisted by the Louisiana Brigade, with a heroic courage and obstinacy almost beyond parallel, had met and repulsed six separate and distinct assaults."

Six assaults



# THE MARYLAND CAMPAIGN 1862



TERRITORY FROM CULPEPER TO GETTYSBURG





So the day ended with Jackson's line unbroken. The movements of the Federals on the left were ominous of a night assault, and Pender's Brigade was advanced that night far to the left to hold against such a contingency; and, as the batteries continued their fire until late, more or less all night, it was a perilous position.

Porter's Federal Corps, far to the west, had on the 29th become aware of the approach of a Confederate column, Longstreet's, but Pope was ignorant of it. Porter was cautious, and did not at first obey Pope's order to march to his aid, and when at length he did so he left Longstreet virtually unopposed. Lee united Longstreet with Jackson's right and confidently awaited the renewal of the battle. Pope, learning of Confederate movements towards Jackson's right, misapprehended them, and, ignorant of Longstreet's presence, thought Jackson was in flight and telegraphed to Washington, "The enemy is retiring toward the mountains." So well had Lee's strategy been put into effect that Pope had yet to learn who his antagonist was. The next morning was passed in comparative quiet, but by the afternoon Pope had brought up Porter, whose command was regulars, who, with King, Hooker, Kearney, Richards and Reynolds, made desperate assaults on Jackson's left. The Federal fighting that afternoon was perhaps the fiercest, most obstinate and strenuous of any by them during the war. Repeatedly repulsed, they still surged forward. They pressed Jackson's front line back through the woods, and it seemed as if they could not be withstood, so great was the number, so massive their columns, so persistent their courage. Jackson's situation seemed perilous indeed. But in the nick of time reinforcements came through the ravine in Jackson's rear and filed down towards the front, and they bore Longstreet's battle flag! Soldiers know only what they see, and Jackson's Corps knew nothing of Longstreet until they saw that battle flag. Then, whatever of apprehension may have been felt gave place to exultation. Longstreet was up! The battle was safe! All the reserves then swept in, and with irresistible force, the serried columns of Porter and the others were hurled back; and Longstreet,

Porter's  
position

Pope's error

Jackson's  
left

Longstreet's  
battle flag

The advance



Pender having his artillery massed and well placed, played havoc and destruction upon them. During that storm of shot and shell along the front Jackson's divisions withdrew to escape it, and when it was over the Federal columns, although badly shattered, again advanced. Pender, with some additions to his brigade, wheeled into the field and enveloped a battery of Federal artillery, and then pressing on to the left, struck several columns of the enemy, the last at nine o'clock, far to the left, that being the last encounter of that great conflict.

Pope's army that night left the battlefield and returned to Centerville, where Franklin's regulars and other reinforcements from McClellan's army had arrived, McClellan himself having been assigned to the command of the fortifications around Washington.

The spoils Pope reported his casualties at 16,843, being as great as all the losses of McClellan during the seven days battle around Richmond; and Lee captured 30 pieces of artillery and 26,000 stands of small arms, and the supplies at Manassas and especially the medical supplies at Centerville. Among the slain was Fletcher Webster, the only son of Daniel Webster. It was, however, a dearly-bought victory, but a glorious one, the more glorious because the Federals fought with unusual bravery, because Jackson's force that bore the brunt of it was greatly outnumbered, because the hazard was great, the enterprise remarkable and the consequences of the utmost importance. It threw the Federal authorities at Washington into a terrible panic, the expectation being that Washington would be captured. However, Lee's only thought was to rout Pope's army, and he now moved so as, if possible, to gain his rear; and the battle of Ox Hill, or Chantilly, ensued. That again was Jackson's fight. Branch and Brockenborough were sent to develop the enemy, and Gregg, Pender, Thomas and Archer came to their aid. The Federals obstinately contested the field. The brunt of the battle was borne by Branch, Gregg and Pender.

Maryland After this battle, on September 2, D. H. Hill and McLaws's and Hampton's cavalry, having left Richmond, joined Lee, who now entered Maryland, his army numbering 45,000 effective men. The cavalry was sent forward to seize im-

portant points, and on the 5th, the infantry crossed the Potomac at the lower fords, arriving at Frederick on the 6th. There Lee discovered that the Federal force at Harpers Ferry had not been withdrawn, and he dispatched Jackson to capture it. Jackson crossed the Potomac near Williamsport on the 11th, while McLaws with his and Anderson's divisions pressed on to seize Maryland Heights, and Walker was to occupy Loudoun Heights. In this expedition were eighteen North Carolina regiments. The movements were a perfect success. General Miles found Harpers Ferry completely invested on the morning of the 14th, and two hours of cannonading on the morning of the 15th brought his surrender. There fell into Jackson's hands 11,000 prisoners, 73 pieces of artillery, 13,000 stands of arms, 200 wagons and a large quantity of stores. To protect Harpers Ferry, McClellan, again in command, had dispatched Franklin's Corps to hold Maryland Heights; but Franklin met with such stubborn resistance at Cramptons Pass, five miles away, that he was several hours too late. As soon as the surrender was effected McLaws crossed the river and proceeded by way of Shepherdstown to Sharpsburg. Lee had moved leisurely toward Hagerstown, but McClellan, by an unfortunate circumstance, became conversant with his plans and the movement of his corps and their separation, and he pressed forward to strike the several commands in detail.

September

Eighteen  
North Carolina  
regimentsHarpers  
FerryThe surren-  
der

McClellan

On the morning of the 14th Jackson was at Harpers Ferry, fifteen miles from Sharpsburg; Longstreet at Hagerstown, still farther to the north; and D. H. Hill at Boonsboro Gap, in the South Mountains, eastward, with McClellan's whole force approaching. Longstreet moved to Hill's assistance, and fortunately arrived in time to prevent Hill from being overwhelmed. Later, however, Lee found it necessary to withdraw to Sharpsburg, where at ten o'clock the next morning Longstreet and Hill were in position. That was the morning of Miles's surrender. Lee, aware of Jackson's success, now chose to give battle at Sharpsburg, trusting to Jackson's return in time. And so it happened, for after Miles's surrender, Jackson, leaving A. P.

Boonsboro  
Gap



Sept. 16

Hill to guard the prisoners, by a night march reached Sharpsburg about noon of the 16th. McClellan's force having been badly disorganized by the battle of the 14th, he was delayed, so that he did not reach Sharpsburg until the afternoon of the 15th.

Positions  
taken

On the afternoon of the 16th Hooker crossed the Antietam and had an encounter with Hood's Brigade, in which the Sixth North Carolina was engaged, and Mansfield joined Hooker. At early dawn of the 17th they moved in and fell on Jackson and Ripley. The First North Carolina, the Third, Twenty-first and the First Battalion were then engaged; then the Sixth and later, Garland's Brigade, com-

The carnage

manded by Col. D. K. McRae, with the Fifth, Twelfth, Thirteenth, Twentieth and Twenty-third. There was terrible carnage.

The progress  
of the battle

The Third North Carolina was moved and brought into the deadly embrace of the enemy. Here DeRossett fell about seven o'clock in the morning. The ammunition of Jackson and one of D. H. Hill's divisions became exhausted, and all had been used from the boxes and pockets of their dead comrades, when they were reinforced; but then Sumner's Corps came up and the Confederates were driven back.

North Caro-  
linians

Now Walker's Division arrived, consisting almost exclusively of North Carolinians. His own brigade, under Col. E. D. Hall, was composed of the Twenty-seventh, Forty-sixth and Forty-eighth, and Ransom's of the Twenty-fourth, Twenty-fifth, Thirty-fifth and Forty-ninth. McLaws supported Walker. Walker made a headlong charge and McLaws, pressing beyond, flanked Sedgwick's line. The

The stone  
fence

enemy was driven off with terrible loss. The Twenty-first North Carolina and the Twenty-first Georgia, being posted behind a stone fence, broke the enemy's line, nearly two thousand men being disabled in a moment. Sedgwick's repulse is notable in warfare, and the work was chiefly done by the North Carolina regiments.

The key

On the left General Ransom drove the enemy from the woods and held resolutely a position so important that it has been called "The key of the battlefield." For eight hours they held it while a fearful battle was in progress. By ten o'clock that stage of the battle was ended. Then

came an attack in the center, held by D. H. Hill, where G. B. Anderson's North Carolinians and Rhodes's Alabamians, along with the division of R. H. Anderson, stood the brunt. They held the sunken road, which they made immortal as "The Bloody Lane." Here among many others fell, terribly wounded, Gen. G. B. Anderson. Of Anderson it has been said that he was the first officer of the Regular Army to resign and cast his fortunes with the Confederacy. Like his kindred in North Carolina, he was distinguished for his winning manners, warm heart, modest manliness, and love of truth. No man had gained more steadily the admiration of his men and the confidence and regard of his superior officers.

The sunken  
road

G. B. Ander-  
son

Among those killed was Colonel Tew of the Second Regiment. His body, however, was not distinguished in the mass of the slain, and some years after the war there was a rumor that he had been taken prisoner and confined on the Dry Tortugas, a canard certainly without foundation, but adding to the sorrow of his friends.

A son of Col. F. M. Parker, of the Thirtieth Regiment, writes: "I remember hearing father say that his regiment was lying down under orders to escape the terrific rifle fire of the Federal troops, and that while lying there with his regiment, a courier rode up and stated that General Anderson, who was in command of the brigade, had been seriously wounded and taken from the field, and that Colonel Tew, who was next in command, had just been killed, and that he, Colonel Parker, was next in command and should take charge of the brigade. Father stated that he rose up to go down the line, and just as he stood erect he was struck in the head with a bullet and was borne from the field unconscious and did not recover consciousness until some weeks afterwards." Among the many others badly wounded also was Col. R. T. Bennett.

Haywood  
Parker

### The struggle ends

The last phase of the battle now was precipitated. Burnside, with twenty thousand, assailed Lee's right, and at five o'clock gained the crest of the ridge south of Sharpsburg,

The last  
encounter



The close

but at that critical moment A. P. Hill arrived from Harpers Ferry, accompanied by five brigades, among them Branch's and Pender's. Hill fell on Burnside's flank, and, outflanked and staggered by Hill's brigades, Burnside's advance was arrested; but, receiving reinforcements, he again pressed on, only, however, to be again repulsed and followed up by Hill, Tombs and Kemper. Night brought the battle to its close.

While in this battle the North Carolina infantry maintained its high reputation, particular honors were accorded to the North Carolina batteries—Latham's, Manly's and Reilly's.

Branch

The result of the conflict justified Lee's determination to hazard the battle at Sharpsburg, but it was a bloody encounter. More than eleven thousand Federals lay dead or wounded on the field; and Lee himself lost ten thousand—nearly one-third of his army. But McClellan was defeated. Among those the State of North Carolina had to mourn was General Branch, who fell at the head of his brigade. Of him General Hill said: "He was my senior brigadier, and one to whom I would have entrusted the command of the division with all confidence." In the *Regimental History* it is well said of him: "No country had a better son or nobler champion, no principle a bolder defender than the noble and gallant soldier, General Laurence O'Brian Branch.

The return

All the next day Lee kept the field awaiting any renewal of the battle, but McClellan was satisfied. The following night the Confederates quietly crossed the Potomac without let or hindrance. The next morning, however, some Federal brigades crossed the river under the protection of numerous batteries at Shepherdstown, and A. P. Hill's North Carolinians drove them back.

Shepherdstown

Thus ended the Maryland campaign in which the North Carolina regiments performed inestimable service along with their associates. Their rapid march to Harpers Ferry and the great success of that movement, and their resolute conduct on the field of Sharpsburg won them high encomiums. Their loss, in part, was 335 killed and 1,838 wounded. Among those killed was Col. C. C. Tew, one of the most

efficient colonels in the army; and among the wounded were The losses  
Colonels Van H. Manning, Riden Tyler Bennett, Francis  
M. Parker, William L. DeRossett, Lieutenant Colonels  
Saunders, W. A. Johnston, Thomas Ruffin, Majors R. F.  
Webb, S. D. Thurston and S. McD. Tate and Edwin A.  
Osborne, who were commanding regiments. Here also fell  
the lamented Hugh Gaston, "as true and brave a soul as  
ever died for liberty," a grandson of Judge Gaston, and  
with his death the family name passed away.

### Conditions in the summer of 1862

The scarcity of necessities was beginning to be felt in the homes of the people. The great aim had been to raise and equip the army and to provide for the soldiers and for defense, but efforts had been made to foster the manufacture of indispensable supplies and to promote the raising of provisions on the farms. The stay law protected those who were indebted from being harassed by law suits, and, as a great mass of currency had been added to the circulation, prices had begun to advance, especially as there were some persons who were not convinced that the currency issued during the war would eventually be redeemed at par, and there was a notable depreciation in its value.

Blockade running was in full operation and speculators hastened to buy up imported articles, expecting to make great profit by their sale. Speculation and profiteering became rampant.

When the conscript law came to be enforced it brought about new conditions that led to discontent. The labor problem began to bear acutely in some sections where nearly all the able-bodied men had entered the military service; and, especially at the west the absence of the necessary labor on the farms was felt. Enterprising men were engaged in developing resources.

As the Federal authorities had declared medicines to be contraband of war, the South was deprived measurably of such necessities. Fortunately the botanists and medical profession were able presently to reasonably supply the deficiency. Native herbs and roots of medicinal virtue were



soon in demand and there were many collections. That at Statesville became famous and of considerable importance. Then there were soon fields of poppies and other plants of medical value. One physician, Dr. Joyner, among other persons, grew a field of poppies and got opium; he grew jimson, or Jamestown, weed, and got stramonium, a deadly poison but useful for many things; and Palma Christi plants for castor oil. And so it was here and there.

### Home manufactures

Efforts were made to increase the home manufactures. At Raleigh and Fayetteville were paper mills; and there were thirty-nine cotton factories and seven woolen mills. These made yarn and cloth, and throughout the State hand looms and spinning jennys came into use by those who could obtain them. Wooden shoes were made at Raleigh, also pikes, caps and powder; while at Greensboro a private company, aided by the State, made rifles, and there was a sword factory at Wilmington, and there were numerous smaller enterprises started elsewhere. Indeed, there was a great demand on North Carolina by other states. The arsenal at Fayetteville was being utilized and the coal and iron of Deep River were found helpful. The coal, especially, was being carried to Wilmington for the blockade runners. But the people were saddened by their terrific losses and households mourned for fathers and sons.

Martin's  
Brigade

Whatever was needed and was possible to be done was accomplished for the advantage of the troops, and for their equipment and supply. In the stress of military conditions in the early summer, General Martin organized a brigade consisting of the Eleventh, Seventeenth, Forty-fourth, Forty-seventh and Fifty-second regiments, and took them to Kinston; but soon was ordered to carry them to the defense of Richmond, arriving there, however, after the battles had been fought and victory won. Later his North Carolina brigade was given to Pettigrew and he returned to Raleigh as Adjutant General, and so continued cordially coöperating with Vance as he had with Governor Clark, until his retirement in 1863.

Pettigrew

### Emancipation

At the North also doubtless there was mourning, and now a new turn was given to hostilities.

In April the Federal Congress passed an act to emancipate the slaves in the District of Columbia, paying an average of \$300 for them; then in June it prohibited slavery in any territory. In July it passed an act confiscating the property of those in arms against the United States and setting free all slaves coming into the possession of the government.

In September the governors of the Northern States joined in urging the President to proclaim that all slaves in the seceded states should be declared free; likewise that the conduct of operations should be committed only to men favorable to emancipation, and that the war should be not merely to force the seceded states back into the Union, but to abolish slavery. But the Confederates neither knew nor cared for that. They proposed to be independent.

### Vance's inaugural

On Monday, the 8th of September, the oaths of office were administered to Governor Vance by Chief Justice Pearson in the presence of a large number of persons, on a platform erected near the west entrance of the Capitol, and Governor Vance delivered an inaugural address. It was bold, manly and patriotic. Whatever feeling of uncertainty any may have entertained was dispelled. It breathed as noble and lofty a spirit as devoted patriotism ever inspired. After stating the circumstances that led to secession, he declared that "it was the deliberate judgment of our people. Any other course would have involved the deepest degradation, the vilest dishonor, and the direst calamity. We also accepted with the act all of its inevitable consequences, a long and bloody war. We were wide awake to all the results, and gallantly and gloriously have our people met them. . . . North Carolina has sent forth near fifty thousand men, and can send many more. Are there any among us who faint or despair?" And then, in impassioned eloquence, he portrayed the inevitable consequences



Sept. 1862

of subjugation, and cried: "If all this should fail to arouse his soul to resistance, then, indeed, is he dead to every sense of shame and deaf to his country's voice. . . . One of the most vital elements is harmony. On this great issue of resistance, itself, let there, I pray you, be no dissenting voice in our borders. Let the names and watchwords which once divided us divide us no more forever. Let us see nothing, hear nothing, know nothing, but our country and its sufferings."

The eloquent orator, indeed, made substantially the same address on assuming the government that he had made when asking the votes of the soldiers in Virginia. The Conscript Act had borne hard on the twelve-months men, but he had sought in Virginia to reconcile them to it, and now he proclaimed that he would enforce it. On the other hand, however, he sought to allay whatever feeling there was of distrust by declaring that the civil authority was superior to the military authority.

### **The influence of Holden**

Vance was young and generous, and he acknowledged the great obligations that his old Whig friends had conferred on him in calling him from the camp to the Chair of State; and he sought to manifest at once his respect and gratitude. He asked their advice, listened to it, and even subordinated himself in some regard to what he considered their superior wisdom. As his private secretary he selected Richard H. Battle, a young Whig, esteemed for his character, industry and qualifications, and indeed, possessed of every excellence.

One of the complaints that the *Standard* urged with unremitting bitterness was that it was a war of the Secessionists, that they were bent on it and had precipitated it; and now they had no confidence in those who had not been for secession from the first, and would not appoint them to any office; that the old Whigs had been ignored. Much was made of the circumstances that Branch had been appointed a brigadier general, while Vance had not been. However, ill-founded or well-founded the complaint was, the result was the same among those who had not been appointed to

office. It had its effect, and Vance was led to be in sympathy with it. As an offset to that supposed injustice, he sought to promote the fortunes of former Whigs or Union men. And, perhaps, he was the more easily induced to pursue that course by the fact that his very large majority in the State was ascribed to a turning away from the Confederate Administration. He early took occasion to say to President Davis that the Secessionists no longer had the ear of the people.

In August Lot W. Humphrey, who had early raised a cavalry company, was elected Colonel of the Third Cavalry Regiment, and was directed to report at Raleigh. When he reached Raleigh his commission could not at once be issued to him; but he received orders to go on and complete the organization of the regiment. When Vance became Governor he ignored that election and appointed as Colonel of the regiment, John A. Baker of Wilmington, who had no connection whatever with any company in the regiment and had never been in the service except slightly as aide to General French. Humphrey had been an original Secessionist; that determined Vance.

Humphrey

Years later Vance had cause to remember that Humphrey was only flesh and blood, and had resolution and determination that might have made him a good colonel of cavalry. Colonel Baker rendered acceptable service for a year, and then fell into the enemy's hands, not without some unpleasant comments.

Baker's  
career

On September 14, Colonel William Ashe, the president of the Wilmington and Weldon Railroad, died at Wilmington from the effect of a railroad accident. In announcing his death, the *Journal* said: "Taking him all in all, we shall seldom look upon his like again, nor can this community and the State at large soon cease to mourn the loss of the noble, generous, big-hearted gentleman, the ardent patriot and the useful citizen." Colonel Ashe, after returning from Congress in 1854, became president of the Wilmington and Weldon Railroad, and attained such a high reputation for administrative ability that President Davis asked him to supervise and direct all transportation from the Mississippi

Death of  
Ashe



to Richmond. After a year of that service he was promoted from major to be colonel, and chafing at the occupation of New Bern, he was authorized to raise a legion. His loss was a great calamity to the State.

Colonel Ashe knew the sincere and thorough patriotism of his associates, and attributed to those who differed with him on minor matters equally lofty and noble patriotism with that he was familiar with; and, although one of the most pronounced Secessionists of the South, it was his view that, under the conditions that existed, the administration of State affairs ought to be committed to the old Whig leaders; and he therefore had considered that Vance should be elected Governor.

#### **At Wilmington**

To add to the troubles of that fall, early in September the yellow fever broke out in Wilmington. It was brought on the steamer *Kate* from Nassau, and on the 16th of September six cases were reported to the mayor; four days later two others were reported. Then it spread more rapidly; and for a period there were no recoveries; all taken died. On the 23d there were fifteen new cases and panic seized the town. Those who could left the city. The physicians, ministers and nurses were exhausted by their ministrations. There had been many soldiers in the town and persons drawn there on commercial business. The place had been overcrowded. Now it became deserted. Silence reigned. The black pall of smoke from the burning tar barrels added solemnity to the deathlike silence of the streets, and was a somber emblem of mourning.

Panic, distress, mute despair had fallen upon the population sorrowing for their dead on the battlefields, and the air was filled with the wail of the widow and the orphan, and the dead could not be honored with the last Christian rite of burial. The telegraph office was closed; the night trains on the railroads were stopped. The *Journal* ceased its issue on October 13, and suspended for five weeks, issuing only occasional bulletins on slips.

The editor in its issue of November 20 said, "We have gone all over town in broad daylight without meeting a

The yellow  
fever

vehicle, save a doctor's buggy or a hearse, or seeing a human being but those who control them." About the same time the author walked through the town and saw only two living beings outside of the railroad station, an old negro woman picking up chips for a fire, and a dog. The town was truly deserted. There were reported over 1,505 cases and 441 deaths. The *Journal* carefully estimated the deaths at 654; but physicians and others thought that fell short of the full extent of the epidemic. The secretary of the cemetery association and the superintendent both dying, the records of interments ceased.

Charleston and other communities came nobly to the aid of the stricken city. Dr. Choppin and his staff, Surgeon E. North, W. T. Wragg, William Huger and D. A. White, and Doctors Trescott, Seabrook and Cooper came voluntarily to tend the sick.

Never was there more devoted heroism displayed than by some of the inhabitants of the town. Among the most lamented of the victims were James R. Miller, Dr. James H. Dickson, Rev. R. B. Drane, Rev. John L. Pritchard, Thomas C. Worth, C. S. Van Amringe and Rev. Father Murphy, a Roman Catholic priest, a hero among heroes, who worked night and day until nearly the last victim had died, and then fell on sleep. Rev. A. Paul Repiton was the only minister remaining in the city to survive. He worked unceasingly for the sick and buried the dead. His name is blessed in the annals of Wilmington. Hundreds of others bravely met the issue and remained to nurse the sick during the horror and few survived.

Chronicles  
of the Cape  
Fear, 287

Nor was the pestilence confined to Wilmington: there were at least thirty deaths at Smithville, some at the sound, others in the country; and the fever also appeared at New Bern.

After the subsidence of the pestilence the population of Wilmington became greatly changed. Many who had abandoned their homes and found refuge elsewhere did not return, while strangers came for commerce drawn by the blockade running that centered on the Cape Fear.



## CHAPTER XLVIII

### IN THE STATE—FREDERICKSBURG

The Assembly meets.—Vance's fine message.—Holden.—The divergences.—The State defense.—Graham Senator.—New officers.—General Martin gives place to Fowle.—Patriotic measures.—John W. Ellis.—Vance's action.—Fredericksburg.—At Marye's Heights.—Losses.

#### The new Assembly

Vance had been Governor two months when on the 17th of November the new Legislature met. In the Senate among the men familiar with public business were Governor Graham, Bedford Brown, Giles Mebane, James G. Ramsay, William B. Wright, Thomas I. Faison, William K. Lane and Eli Hall; also Edward J. Warren who at once took rank with the best because of his intelligence, legal attainments, and personal characteristics.

In the House were Jesse G. Shepherd, Robert B. Gilliam, R. S. Donnell, James S. Amis, Henry G. Williams, Samuel Love, Thomas A. Allison, John L. Brown, Samuel J. Person, Jonathan Worth, M. S. Robins, F. E. Shober, G. H. Alford, Daniel Fowle and M. K. Crawford. But the large majority of both houses were new men who had not before participated in public matters. No election had been held in Tyrrell and Carteret counties; but the soldiers in the army from Tyrrell having voted for Eli Spruill for the House, he was admitted to a seat.

The difference in sentiment among the members may be inferred from their division in the election of Public Printer. In the Senate Holden received 27 out of 38 votes cast, and in the House 53 out of 97.

Mr. Ramsay of Rowan took the role of leader in the Senate, and on his motion Giles Mebane was chosen Speaker, although a few votes were cast for Governor Graham and for E. J. Warren. In the House, Robert S. Gilliam of Granville received 69 votes for Speaker; only 23 being cast

The personnel

The factions

The speakers

for others. Mr. Gilliam being elected judge, R. S. Donnell was chosen Speaker. The other officers were elected with unusual unanimity. Both houses were in apparent accord with the Governor. Governor Vance's message was patriotic, wise and practical, and whatever fears may have been entertained lest he should not prove to be a business man were probably set at rest.

Vance's  
message

The preceding Legislature had directed the raising of ten regiments for local defense, and now in the changed conditions because of the Conscript Act, the Governor asked for ten regiments of reserves to be called out for three or four months when needed. He dwelt on the necessities of the people and recommended that exportation of provisions, cotton cloth, and other necessities should be prohibited except for the army, or when purchased for any sister state. He urged the purchasing and storing of large quantities of provisions, and he stated that he had already made preliminary arrangements to that end. As slaves were now taxed at their value, he urged that some uniform standard of value be declared.

His  
measures

In order to aid the Confederate authorities in maintaining the efficiency of the army without the intervention of Confederate agents he had decided himself to employ the militia to arrest deserters, and, in general, that had worked admirably, and all persons subject to military duty had been gathered up without offending the sensibilities of the people; but in some instances the efforts of the militia had not been effective, and he recommended an act be passed to punish those who aided or assisted deserters. He recommended additional legislation to prevent distillation of grain into spirits, and to punish those who speculated in necessities. The keynote of his message was, "The vital importance of bringing forth all the powers and resources of the State for the common defense of our country and our cause. . . . Remember that you are laboring for the very salvation of our people. The bitter cup that our captured cities and districts have had to drink shows us, alas, too plainly, the mercy we have to expect if our Abolition foes should overcome us. In the bitterness of their baffled

Nov., 1862

Vance's  
plain speech



rage they have even shown a determination to reënact the horrors of San Domingo and to let loose the hellish passions of servile insurrection to revel in the desolation of our homes. The people of the next generation will bless the memory of those who, whether in the field or the council, helped to rescue their country from these horrors. Let us labor to deserve their praise, and may the blessings of God attend our soldiers and our statesmen, who are struggling to defend a noble people and a noble cause."

As shocking as is this allegation of a proposed reënactment of the San Domingo massacre, Vance had a reasonable foundation for making it.

Such was the spirit of Vance. But there were those whose purposes were not entirely in harmony with these thoughts and aspirations. It was in Holden's parlor that the opposition to the dominancy of the Secession Democrats had been planned and formulated, and he had continued to be the pilot of the movement. His influence in the Assembly was now so positive that when he was elected Public Printer he addressed a letter to Speaker Gilliam accepting, but saying that he had not asked any one to support him; it came as an offering from the body, and he was determined in his course. Every conservative member who exercised his own judgment in voting and gave aid and comfort to the "Destructives," as he termed "the Confederates," was denounced as "guilty of bad faith."

Indeed, animated by a purpose to reverse the attitude of the State with respect to the Confederate Government and to destroy the ascendancy of the Secession Democrats, Mr. Holden had been astute to weld the disaffected into a party of decided opposition.

Step by step he separated himself from the cause of Southern independence and skillfully drew many unwary followers along with him. No man in sympathy with the Confederate administration was to be retained in office, and the door to preferment was open only to his friends.

In his plan of campaign, whenever an opportunity arose for questioning the action of a Confederate official, the occurrence was blown and magnified into a startling invasion of personal liberty as if the liberties of the people were be-

ing subverted and the ultimate purpose of the Confederate authorities was to establish tyranny and despotism on the ruins of constitutional government.

Thus in the Assembly difficult was the situation of those who in heart and soul were devoted to the success of the Confederate cause, and who thought it wise and patriotic to sustain the Confederate Government in the measures adopted by Congress. They were antagonized not only by Holden, but by others of high standing and character who, following the leadership of Governor Graham, the most distinguished citizen of the State, acted on the declaration, "We propose to be free and independent, not only in the end, but in the means." These now emphasized the time-honored principles of civil liberty and invoked the rights of the sovereign State to restrict the authority of Congress and to correct any alleged improper action on the part of the Confederate officials. And in the performance of these functions they were sometimes captious, querulous, acting on baseless rumors without preliminary examination; and, by manifesting such a disposition of opposition and antagonism, they inflamed rather than quieted their adherents, who were inclined to be disaffected. In a word, instead of strengthening the Confederate cause, their attitude tended to weaken it. In this divergence of sentiment and difference in action, such men as Samuel J. Person, Jesse G. Shepherd, Eli Hall, Bedford Brown, and the other leaders of the minority sought to conciliate and persuade rather than to antagonize. There were some occasions, however, when the line had to be drawn. Ten days after the meeting of the Assembly, on November 27, Judge Person, who had not been a supporter of Vance for Governor, introduced a resolution declaring the separation from the United States final and sustaining President Davis and Governor Vance. This was then adopted, and later in the session there were similar expressions, but there was action at times that apparently was in conflict with these declarations.

The divergences

Congress had authorized the President to suspend the privilege of the writ of habeas corpus. This was met by a proposition to amend the statute law of the State by re-



House Jour-  
nal, 265

quiring all judges on issuing a writ of habeas corpus to see that it was executed. Judge Person moved an amendment: that the act should not apply to any place where the President had, under the act of Congress, suspended the Habeas Corpus Act; but the proposition to avoid a conflict with the authority of Congress was rejected nearly two to one.

The taking by the Confederate Government of some iron belonging to the Wilmington, Charlotte and Rutherford Railroad—not being laid down—for use in the construction of the road from Greensboro to Danville since the capture of Weldon, then threatened, would have destroyed all rail communication between the army and the states south of Virginia, called for the introduction of intemperate resolutions, which, however, were finally greatly modified.

The ten  
regiment bill

In accordance with the recommendation of Governor Vance to provide for a reserve force of ten thousand men a bill was introduced to that end. Propositions to the effect that men liable to conscription should not be enrolled in it except with the consent of the President were rejected. A declaration sought to be included that "This Legislature desires to be understood as offering no impediment to the operation of the Conscript Act and disclaiming any intention to throw itself in conflict with the President of the Confederacy or the authorities at Richmond," was rejected by a small majority. The bill, having passed the House, failed in the Senate. The Assembly declined to raise troops for State defense.

House Jour-  
nal, 95, 119

Ibid., 110

Ibid., 186-  
189

However, the attitude of the State toward the Confederate Government had occasioned some adverse comment both at home and in other states, notably in Virginia, and the Legislature took notice of it, adopting a resolution protesting against any settlement of the struggle which should not secure the entire independence of the Confederate States.

Thus it would seem that if the Confederates or "Destructives" were uncomfortable in the legislative halls, the role taken by the Conservatives was still more difficult of performance than merely seeking to persuade and to conciliate. Naturally when the time came to elect officers of the Assembly and of the State, the majority turned to their

friends, and no "Destructive" was chosen. The voting was on the line proclaimed by the *Standard*. But the men elected were worthy, and, doubtless, quite as competent as the men proposed by the minority in the Assembly. The difference chiefly was their attitude to the Confederate measures and authorities. To succeed George Davis as Confederate States Senator, whose term was to expire in 1864, before a new Legislature would be elected, Governor Graham was chosen—in many respects the most distinguished citizen of the State—and while he was not in sympathy with some of the measures of Congress and of the Confederate Government, yet all of his five sons had quickly volunteered in the service and were in daily peril on the battlefield.

Graham,  
Senator

Jonathan Worth, elected State Treasurer, had long been concerned with public matters, was a good business man, a man of probity and character, although remarkably prejudiced against Secession Democrats; and his brothers were ardent workers for the success of Confederate measures.

Samuel F. Phillips, elected Auditor, an office created at this session of the Assembly, was one of the great men of the State. Sion H. Rogers, chosen Attorney-General, was equal to the position and had such amiable personal characteristics that there were none to regret his election. Robert B. Gilliam and William M. Shipp, elected judges, were justly esteemed in the profession, and their elevation detracted nothing from the high reputation enjoyed by the North Carolina bench. There were seven solicitors elected—men of mark at that time and destined to play large and important parts on the stage of public action—A. S. Merri-  
mon, R. F. Armfield, W. P. Bynum, Thomas Settle, Jesse J. Yates, R. P. Buxton, and C. C. Clark. Not a word of disparagement could be said of any of them. The Legislature likewise replaced the old Council of State by new ones; and in this, perhaps, the action was not so fortunate.

The new  
officers

The indisposition of the Assembly to sanction the holding of a State office by a Confederate officer led it to declare that as General Martin, the Adjutant-General, had been appointed brigadier general in the Confederate Army, that position was vacant. General Martin as Adjutant-

General  
Martin



General had rendered the State particular service. The duties of his office and his powers had been greatly enlarged by resolutions of the Convention and the whole management of the State's military matters had been committed to him, and he measured up to his work so well that no other state could boast such excellence of administration.

Dec., 1862

Martin gives  
place to  
Fowle

Appointed a brigadier in May and for a while in command of a North Carolina brigade, he returned to Raleigh and continued to conduct the office all during the administration of Governor Clark, and then for nearly four months under Governor Vance. He and Governor Vance worked together in close coöperation and with great benefit to the State and to the soldiers in the field: but on December 15 the House passed a resolution declaring the office vacant, and later the Governor was authorized to fill the vacancy by appointment. General Martin continued to serve until March 14, when a successor, Colonel Fowle, a member of the House from Wake, was appointed; Capt. R. S. Tucker being Assistant Adjutant-General. General Martin was then assigned to the command of a district with Kinston as headquarters.

On December 22 the Legislature adjourned for the holidays, to meet again on the 19th of January, and the adjourned session lasted until the 12th of February.

While some persons were disposed to find fault with the Assembly's failure to take measures for the defense of the State and with its attitude toward the Confederate Congress and authorities, yet some of its measures were highly patriotic.

Food supply

The Governor was authorized to purchase provisions and store the same, to be sold at cost, for the poor and families of the soldiers.

Prohibition

The ordinance of the Convention prohibiting distillation of grain was to expire January 1, 1863, and now the Legislature extended it indefinitely.

Hospitals

The Governor was directed to appoint an agent to look after the sick and wounded at Richmond and the Surgeon-General was authorized to establish wayside hospitals.

The contract made under Governor Clark by N. W. Woodfin and George W. Mordecai to make salt in Virginia

was accepted by the Legislature and the Governor was authorized to buy one hundred thousand bushels of salt and to purchase and operate salt works. Salt

A bill for the relief of prisoners in custody not in the military service—which was aimed to check the arrest and detention of citizens for alleged disloyal actions—excited considerable interest. Governor Graham moved to lay it on the table, but his motion failed. In discussing the measure, John W. Ellis, the Senator from Columbus, said:

“If we are to understand that officers who refuse to obey the writ of habeas corpus in districts where this writ has been suspended, are to be made to answer in damages to such persons as they have in custody, or that officers who arrest and confine disloyal and suspected persons are to be the especial objects against whom it is directed, then I am against the whole concern. I am opposed to all measures that will tend to weaken the strength and efficiency of the Army. That Army, so readily sneered at by Senators, is the lifeblood and breath of this Nation. It is our only hope for safety and protection. Upon its success every hope for civil and religious liberty must now depend.

John Ellis  
pleads for  
the Army

“There is no other power on earth that can maintain the civil law in this Confederacy and preserve the liberties of our people, save the military arm. Then why will Senators endeavor to impair its usefulness by limiting its operations with rigid statutes? They are but striking a deadly blow at the civil law, of which they boast to be such ready defenders. It is well for us to make sure of our civil liberty before we destroy the only means we have to secure it. Senators can now point to nothing that can save us but the Army, then let us give it the full exercise of all its powers.

“Every man who is true to the South must place himself under the Southern Cross. We are all in the same boat, adrift on a stormy sea. We have sent our noblest men to the field by thousands. Let us not say to them, we desert you now and leave you in the hands of traitors. Our State considered long before she acted. She has taken her course. We are here pledged to maintain her action. Then let us stand by the altar of freedom, beneath the banner of our common



cause, with united hearts, determined to save our country; but if go down she must, let it be without spot or blemish on her fair name. The escutcheon of our State is brilliant with the deeds of the brave: then let no act of ours dim their record of glory."

Governor Graham moved to lay the bill on the table, but the motion failed. The author of the bill then moved to postpone it—and it was never taken up again.

### **Vance's action**

All of these patriotic measures adopted were in sympathy with Vance and he executed them with vigor. To allay feelings against the Jeff Davis Administration and Congress, he sought to restrain many actions that were a cause of friction; and he emphasized the rights of the State, while urging the soldiers and the people to make the war a success. He collected stores of provisions and fed the poor and even supplied food to Lee's army; and the same with clothing. He had wagon trains to bring salt from the State's works in West Virginia, which were under the management of N. W. Woodfin. He utilized to the utmost the blockade-runners bringing in for the State not merely arms and ammunition, but machines to make cotton—cards and looms. In a word, he sought to be as useful as he could in every line. But he was greatly troubled. Men would use grain to make whiskey against the law; men would rebel against the requirements of the War Department whose officers were often harsh and reckless; deserters and disloyal men would harass communities, while the Federals were threatening the eastern sections.

### **Fredericksburg**

Shepherdstown was the final clash with McClellan, whose army had been largely increased by reinforcements, President Lincoln having called for three hundred thousand nine-months men.

Lee took position near Winchester and McClellan near Harpers Ferry, and for a month there was repose. "During that time," says General Long, "a strong religious senti-

ment prevailed in the Army, and every evening from the various camps might be heard the sound of devotional exercises, which were encouraged by General Lee, who attended them whenever circumstances permitted."

The religious revival

In November McClellan took the initiative and moved near Warrenton. Lee established his line on the Rappahannock, but the Federal authorities now selected Burnside as the Federal commander and determined on an advance elsewhere. The original plan of President Lincoln, General Halleck and Burnside was to cross the Rappahannock, avoiding Lee, and hurry on to Richmond in advance of him; but there was such delay that Lee was able to concentrate in Burnside's front.

Burnside

Mr. Lincoln's plan

Down the river from the railroad track at Fredericksburg there is a wide, level plain, skirted by a series of hills; while up stream, behind the town, is an eminence, known as Marye's Heights. Jackson's Corps guarded the plain on the right, while Longstreet's held the center, including Marye's Heights and Lee's left.

The local situation

Jackson's first line, composed of A. P. Hill's Division, held the railroad overlooking the plain, about a mile and a half from the river; his artillery occupied the heights above the railroad; and D. H. Hill commanded the reserve at Marye's Heights. Gen. Robert Ransom's two brigades occupied the reverse slope. Lee did not attempt to prevent Burnside's crossing, and on the morning of December 13, about eight o'clock, a force of fifty thousand men under Franklin advanced on the plain, while forty thousand under Sumner moved through the town itself.

"While standing in line, gazing seriously on the preparations of the foe, we discovered a solitary horseman riding slowly out in the valley. Then several other horsemen, each one alone, advanced from different directions to a little hillock in front of a Confederate battery. One by one they assembled and saluted, and used their glasses. The solitary horseman has left his perilous beat and rides back towards the lines. One of the six on the hillock rides towards him and shouts, 'Stuart! come this way'; and together they join the others. There those seven men—giants of war—plan

The consultation



Dec. 13,  
1862

Clark  
Reg.  
History

The Federals  
advance

The repulse

their action. At last, they salute, and ride back—Lee, Longstreet, Jackson, A. P. Hill, Hood, Stuart and Pender.

“The weather was bitter cold, and the soldiers suffered severely. Pender’s Brigade was on the left of Jackson’s line, touching Hood’s of Longstreet’s Corps. In his front the Federals placed thirty-six guns, about three-fourths of a mile away. Lane and Archer first met fiercely the massive onset, but reel, stagger, waver, retreat. Over the railroad, into the woods, the triumphant enemy rush to their death. Early comes sweeping down on the right, Hoke dashes into their advancing columns, Gregg and Thomas rush upon them in front, Lane and Archer reform and madly fall upon them, Pender closes in on the left, charging in person. The air is filled with hideous yells, screams, shrieks, and thunder rolls from a hundred cannon, while the lightnings leap from the long line of musketry and clothe the field with fire. Bloody bayonets and flashing sabers clash and ring amid the carnival of death and terror. The chivalrous Gregg has fallen to rise no more. Pender, bloody and exhausted, has been carried from the field. Hill, daring and fierce, like an enraged lion, is seen everywhere resisting the storm. The great Jackson, with expanding nostrils, like the excited war-horse, sternly guides and governs the tempest and hurls his dauntless legions against the countless foe. For three hours Jackson had held the enemy in his fearful embrace, and now the fire begins to recede. A crowd of fugitives is seen flying from the woods toward the river, still more and more, and now come the Confederates yelling and fighting, covering the valley with the dead and wounded.”

The battle was Saturday. Sunday there was but little fighting. Monday came and still no fighting. “That evening Major Cole, Lieutenant Cole and I strolled to the front to survey the field. Beyond our strong line of skirmishers lying on the ground, a short distance, the enemy’s skirmish line was spread out; lying down a little beyond them, the enemy’s line of battle and their numerous batteries. We noted a great many straggling squads of infantry and horsemen moving about carelessly—among them some of our generals. All at once a white cloud arose from one

of the enemy's batteries, then the shrieking shell. Another followed, and then others, till the field was clear of all who had no business there. Lieutenant Cole and I started off at a pretty brisk walk, which rapidly increased as the shells came nearer and faster. Major Cole compromised with his dignity, took tremendous strides. General Hood dashed by me at full speed on horseback, a shell coming so near his head as to knock off his hat. General A. P. Hill disappeared into the thicket. The next morning it was discovered that the enemy had made his escape across the river."

The  
Federals  
withdraw

General Pender, in his official report, said: "When the enemy advanced on the right they opened the most tremendous fire of artillery upon the batteries in my front. This fire was most destructive to my men. One of the balls at this time killed my aide, Lieutenant Shepperd." Gen. A. P. Hill, in his report, said: "From the nature of the ground occupied by Pender's Brigade and the entire absence of all protection, his brigade received the greater part of the terrible fire."

General Pender was himself wounded while gallantly rallying a portion of the Eighteenth Regiment of Lane's Brigade. During the temporary absence of General Pender the command of the brigade devolved upon Colonel Scales, of the Thirteenth. The two batteries suffered much by the fire of a heavy line of skirmishers. Colonel Scales directed Major Cole of the Twenty-second North Carolina to dislodge them, which was handsomely done. General Pender, though wounded, resumed the command of his brigade as soon as his wound was dressed.

### **At Marye's Heights**

While Franklin's Division had crossed the bridge below the town unopposed, Burnside's Corps that was to cross at the town itself met with opposition. Barksdale prevented them from laying their bridge, but soon a terrible and effective cannonade from the numerous Federal artillery upon the town drove his troops off, and forty thousand Federals crossed and took possession. Several hundred



yards behind the town ran the Telegraph road that skirted an eminence known as Marye's Heights, near the base of which was a stone wall. Barksdale, fighting desperately, retired to this wall, which he held until relieved. To General Robert Ransom had been assigned the defense of this part of the line. Barksdale's Brigade was relieved by Cobb's Brigade, aided by the Twenty-fourth North Carolina of Ransom's Brigade. Then about eleven o'clock General Ransom moved in the Twenty-fifth. On reaching the crest of the hill (the regiment having been divided so as to pass the house on either side) it met a fearful fire from the enemy two hundred yards off. In casting an eye along the line men could be seen falling like grain before a sickle.

Clark,  
II, 297

Colonel Hall, the intrepid commander of the Forty-sixth, said in his report: "The enemy had succeeded in forcing their way to within forty yards of the fence when Cooke's Brigade reached the crest of the hill, and in the face of a deadly fire of artillery and small arms, drove them back with great loss. Our men were falling fast, for we were within 250 yards of 25,000 or 30,000 of the enemy; but no men ever fought better, or with more enthusiasm. The Forty-sixth and Twenty-seventh were ordered down the hill to the stone fence, where they suffered but little after arriving. The Forty-eighth and Fifteenth remained on the hill, where they suffered severely." Colonel Hall states that "while the Confederates did not have five thousand engaged, the enemy left at least one thousand dead in our front, and the wounded must have been three or four times as many."

The Forty-  
sixth

The Twenty-seventh North Carolina was likewise at the stone wall at the foot of Marye's Heights.

The historian of the Forty-sixth says: "In comparative security, protected by a wall about breast high, all day it shot down the brave men who charged again and again across the level plain in front, vainly yet most gallantly, striving to accomplish the impossible. Among the wounded was Col. W. L. Saunders, shot by a minie ball through the mouth. It was related by those near the Colonel that during a lull in the firing, he was enjoying a hearty laugh at some remark when the minie entered the wide open mouth,

Saunders

making its exit through the cheek. It was said to have been the most abruptly ended laugh heard during the war.” Clark, III,  
70

The Thirty-fifth and Forty-ninth were in position on the Telegraph road and suffered; but were not in the forefront of the battle.

The destruction of the Federal brigades as they successively assailed Marye's Heights was indeed one of the most notable tragedies of the war. General Couch, who commanded an army corps, says of his troops: "As they charged the artillery fire would break their formation, and they would get mixed up; then they would close up, go forward, receive the withering infantry fire, and those who were able would run to the houses and fight as best they could. And then the next brigade coming up in succession would do its duty, and melt like snow coming down to the warm ground." The men behind the wall would fire and step back, giving place to others, and, having reloaded their guns, would swap places again, thus maintaining an almost uninterrupted sheet of deadly bullets as long as the Federals advanced. "After Howard, attacks were made by Sturgis's Division, supported by Getty's Division. Then Griffin made the brave endeavor. Humphrey next essayed to carry the hill by the bayonet. Dead men were lying in such piles that the living could hardly get by. At length the useless sacrifice ceased." The Federal  
loss

While Burnside had 110,000 available, and 90,000 crossed the river, of whom perhaps only 50,000 engaged in the battle, Lee had available 78,000, of whom only 20,000 were engaged. Fifteen hundred Union boys lay dead on the field and 595 Confederates, while 9,100 Union men were wounded, many to the death, and 4,061 Confederates; and 16,539 of the Federals were taken prisoners. North Carolina's part in this important battle was second to that of no other state. Her losses were more than one-third of the entire loss suffered by the Confederates, and to her belonged the larger part of the credit and honor of the victory. At Marye's Heights, Cooke's Brigade lost 53 killed, 228 wounded; Ransom's Brigade lost 27 killed and 127 wounded.

The disastrous movement of Burnside was found by



President Lincoln and the generals of the Army, and in the homes of the people, to be more deplorable than the management of McClellan. Thousands of Northern mothers bewailed their young sons who had loyally and gallantly responded to their country's call to arms. While necessarily there was likewise mourning among the Confederate mothers, yet the year drew to its close with what seemed a reasonable assurance that the skill of Lee and Jackson and the bravery of the trained Southern boys would eventually repel the invaders and secure that peace and independence and self-government for which the South had taken up arms. And for that assurance and with that hope, the hearts of the Southern people turned with gratitude to give humble thanks to the Lord of Hosts.

## CHAPTER XLIX

### IN THE HOMES OF THE PEOPLE

Necessaries.—Social conditions.—The church bells.—Influence of Federal occupation.—The deserters.—The response to the call to arms.—The young men in the war.—Supplies.—Salisbury prison.—The Medical Department.—Hospitals.—In the army.—Spiritual influences.—The negroes.—Religion in the camps.—The schools.—The brigades.—The railroads.—End of the ironclads.—Natural changes.—The drafts at the North.—Capture of the Ellis.—Foster's raids.—Movement on Goldsboro.—The alignment.—The battle.—Foster withdraws.—Whitford.—Capture at Plymouth.

#### Changed life

In the homes of the people the year had brought some 1862 notable changes. While there were many inconveniences attendant on the novel conditions, and numerous families had suffered grievous sorrows and mourned their dead, yet generally the patriotism of the people was equal to every demand made upon it, and with confidence they gloried in the victories won by the Confederate arms, and their hearts continued to beat in unison with those of their brothers and fathers on the battlefields.

There were many deprivations, but they were borne with cheerfulness. The sudden cessation of commerce was attended with waning supplies of all manufactured articles formerly obtained from the North, and by a scarcity of everything not the product of the home soil. Outside of clothing and medicine, the two most necessary articles were salt and sugar. The State quickly undertook to provide the former, and numerous salt pans were installed along the sounds by private enterprises; but still the supply was inadequate. The sugar plantations lay west of the Mississippi; and although a large portion of the previous crop had been brought to New Orleans, it could not be moved east for the want of transportation. Then misfortune came in the capture of New Orleans in April by Farragut, and the supply was cut off, and sugar soared in price to seventy-five



cents and a dollar a pound, and the prices of other necessities rapidly followed in its wake.

Of tea and coffee there was none on the market, but for them local substitutes were found. The northeastern people resorted to the fragrant yopon, and decoctions of parched cornmeal, of rye and potatoes replaced the habitual cup of coffee. To conserve the supply of grain so essential for the Army, North Carolina forbade the distillation of grain, and there was much enforced "prohibition" and fortunate temperance.

Medicine had unnecessarily been declared by the Federal authorities a contraband of war, a useless manifestation of barbarism, in contravention of international law and enlightened civilization, for the only source of supply was from the North and there was a cessation of all intercourse between the warring sections. The apothecaries, however, were resourceful, and, with the aid of physicians and botanists, resort was made to native products of medicinal virtue to supply the deficiency.

Farming

The absence of so many white men from their homes throughout the country would have largely interrupted farming operations had it not been for the general fidelity and loyalty of the negroes. These continued their usual vocations with steadfastness and cheerfulness, eagerly doing their customary work, making crops and carrying on the operations of the farms as they had done all their lives. Fortunately in the State there were only native people, and they had been raised from youth in obedience to the laws, so that there was but little lawlessness, and social life was not disturbed. The courts were open as usual, but the stay law operated to prevent the sale of property for debt. There were marriages and social gatherings, and the women were much employed in providing necessities for the soldiers and sending boxes to their loved ones in camp. The war had necessarily severed all relations between the churches, North and South, but the Constitution of the Episcopal Church was such that the several dioceses at the South had to take primary action. A meeting of delegates was held on July 3, at Montgomery, but Virginia and North Carolina were not represented. The Convention agreed to meet in Columbia

The women

The denominations

October 16, where all the Southern Dioceses met, and provisional canons were adopted. Still the dioceses of Virginia and North Carolina did not formally withdraw from their former connection by diocesan action until 1862. A general council convened at Augusta in November, 1862, and the Prayer Book was altered, substituting "Confederate" in the place of "United" and "Council" in the place of "Convention" wherever those words occurred. This requirement to pray for the President of the Confederate States at times occasioned friction with Federal officers in occupied territory.

The public schools were maintained and the University and the colleges were kept open, as well as the leading female schools, such as the college at Greensboro, St. Mary's at Raleigh, and Miss Nash's at Hillsboro.

The ministers performed their functions and, perhaps, religious fervor was increased under the stress of the fearful time. By public agreement it was resolved that throughout the Confederacy March 24 should be set apart as a day of universal prayer, and that day was so observed in North Carolina. The patriotism of the people led them to offer to the Government their church bells to be turned into cannon for their country's defense, but the sacrifice was not deemed necessary. In the *Biblical Recorder* of April 23, 1862, is a letter from Colonel Ashe, representing the government, to Rev. Thomas E. Skinner, P. F. Pescud and W. J. Palmer, committee of the Baptist Church at Raleigh, in tender and appreciative terms, declining such an offer.

#### **The churches give their bells**

Notwithstanding this declaration by the government, the various religious congregations throughout the Southern States tendered their bells. This significant fact illustrates the character of the movement for Southern independence. While the Federal authorities chose to call it a rebellion, yet the entire population engaged in it regarded it as righteous, holy, sacred, and involving the highest duty and dearest sacrifice of devoted Christians.



The bells of Edenton (with a single exception) were cast at the Tredegar Iron Works into four cannon for Badham's Battery, the guns being named, the Saint Paul, the Fannie Roulhac, the Columbia, and the Edenton, and the battery being distinguished as "the Bell Battery." These guns were used all through the war—last at Bentonville—and finally were surrendered at Greensboro.

The bells of the Episcopal, Presbyterian and Baptist churches of Hillsboro, the home of Governor Graham and other distinguished patriots, were cast into cannon for the light battery of Capt. Thomas H. Brem, which became Company C, Tenth Regiment. In the summer of 1862 Captain Brem resigned and was succeeded by Capt. Joseph Graham, who retained command until about March, 1864, being succeeded by Capt. A. B. Williams. The battery did heroic service during the war, and fired about the last artillery shot at Appomattox.

Among others, the Washington churches all gave their bells: also Calvary Church at Tarboro, the churches at Halifax and the Methodist Church at Greensboro. Bells were offered by the St. Johns Episcopal Church, and the Presbyterian Church at Fayetteville; by St. Bartholomew's at Pittsboro, and the Baptist Central at Raleigh, but were not accepted.

### **The effect of Federal occupation**

While generally there was social quietude in the northeastern section where the Federals had made a lodgment, there was much disorganization. Beginning with the occupation of Hatteras, considerable Union sentiment had developed, which increased as the Federals permanently established themselves on the waters of the sounds and at New Bern and Washington and other towns. Many citizens were led to enroll themselves as Union men, declaring for the "Old Constitution and the Old Union"; and doubtless they were strengthened in this course through the persuasions of Governor Stanly, who had been esteemed as a man of integrity and character. Some of these men, who now turned away from their neighbors, soon engaged with the Federal

forces in making raids and giving information with respect to hostility to the Union cause. For some reason these came to be known as "Buffaloes."

As the Federal troops made their forages into the country and incited the negroes to leave the plantations, and without restraint committed many depredations, the neighboring inhabitants lived in apprehension. Some who were able to do so left their homes and took refuge in the central counties; but this was manifestly impossible for the great bulk of the people who, remaining on their farms, notwithstanding their unfortunate situation, made fair crops; so they produced an abundance of food, which the Confederate and State authorities were anxious to withdraw for the subsistence of the soldiers and to supply any deficiency in the interior. But the crops of 1862 proved good in every part of the State, and the harvest was bountiful; and in the interior and at the west social conditions were generally unchanged. The families lived on their farms much as formerly, save the solicitude for the men at the front and their anxiety for the cause.

### **The deserters**

In some localities there was apparently a decline in the resolute stand originally taken; and in some of the mountain counties an influence was developed in sympathy with the sentiment that prevailed in East Tennessee favorable to the Federal Union.

There had been some early desertions from the ranks of the soldiers by men whose patriotic fervor oozed away. In March the presence of deserters in Chatham led to sending a company for their apprehension; and in other counties there was a similar condition. During the summer desertions increased. Perhaps it might have been due to the disappointment that many of the twelve-months men suffered when, upon the expiration of their enlistment, they were not allowed to return to their homes, even on furlough, a disappointment fanned and nourished by the *Standard* in its hostility to both the Confederate and State administrations, as each was administered by old-time Democrats



and Secessionists. But whatever the cause, in the summer, desertions multiplied, and as the men arrived at points in the interior and the west, where they found sympathy, they formed a nucleus, not only for other deserters but for men seeking to escape from conscription.

To what extent these proceedings had progressed was not early discerned. Secret in origin and clothed in obscurity, at first they were undiscovered. In Wilkes and Yadkin, however, the deserters were so numerous and had so much friendly sentiment sustaining them that they threatened to interfere with the election for governor in August, and the conditions were so bad that troops were sent to hold them in check. Still farther west in Madison, decided opposition was manifested to the Confederate cause, and General Kirby Smith thought it proper to send troops there. Indeed, not only the small vote cast for Colonel Johnston, but the tone and temper of many candidates elected as members of the General Assembly, indicated that the wind was now blowing differently from when the hurricane swept the State in April, 1861.

The popular  
feeling

How deeply the people had been moved is illustrated by the report of the Adjutant-General, that 64,636 North Carolina troops had been originally transferred to the Confederacy on August 30, 1861. Recruits subsequently enlisted numbered 21,608. The effect of the Conscript Act was to hasten enlistments, and, doubtless, a large proportion of those subsequent enlistments were in 1862. By September, 1864, 18,585 conscripts had been enrolled, and naturally a considerable number were enrolled as soon as the law went into operation. It would seem probable that by the end of 1862 the number of troops furnished by North Carolina aggregated some eighty-five thousand men, and that number had been withdrawn from their vocations in the State. How communities were drained is illustrated by the figures compiled for Wilmington. From the immediate vicinity of that town there were sent twenty companies of infantry, two of cavalry and six battalions of artillery, consisting in all of nearly four thousand men. One of these companies, Company I, Eighteenth Regiment, the Rifle Guards, of which the author was a member, as stated by Adjutant

W. M. McLaurin, at one time "was composed of one hundred men, ranging from sixteen to twenty-two years of age and only one married man among them." Indeed, it was largely the young men who did the fighting; and this was likewise the case on the Federal side. The report of the Adjutant-General of the United States shows a total of 2,778,309, of whom only 46,626 were over twenty-three years of age; 1,008,830 were from nineteen to twenty and 1,100,000 were eighteen and under, 571,885 were between twenty-two and twenty-four. At the South the proportion of older men who volunteered was greater, and the Conscript Act embraced others.

The young  
men

At Wilmington the activities of the citizens had been interrupted by the yellow fever, but with the abatement of the pestilence blockade running became of increased consequence.

### The arsenal

At Fayetteville the old Federal arsenal had been assigned to the command of Capt. John C. Booth, a former United States officer, thoroughly versed in ordnance. He developed plans for greatly enlarging the plant, for a part of the machinery for manufacturing rifles captured at Harpers Ferry was in May, 1861, removed to Fayetteville, and buildings had to be erected to install it, engines had to be placed to run it; and the capacity of the arsenal was greatly enlarged. Captain Booth was a most efficient officer, but worked so incessantly that he sacrificed his health and died in the summer of 1862. Fortunately many of the operatives came from Harpers Ferry and rendered most valuable service. By August a large lot of new rifles manufactured at the arsenal was shipped to Richmond, while thousands of English and Belgian rifles, saved from the *Modern Greece*, were rendered fit for use. Capt. C. P. Bolles of Wilmington was Captain Booth's assistant, and after his death had charge until Col. J. A. DeLagnel arrived to succeed Captain Booth. Colonel DeLagnel was a most accomplished officer, with a thorough understanding of the needs of the plant. Under his administration much work

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Supplies



was accomplished and the arsenal became very useful to the service. Many of these skilled artisans remaining in Fayetteville brought an interesting addition to its population. Likewise near Fayetteville were several important cotton mills and a paper mill.

At Charlotte the large foundry known as the Mecklenburg Iron Works, the property of Capt. John Wilkes, was purchased by the Confederate Government, and there was installed the machinery of the Gosport Navy Yard, many of the operatives removing from Portsmouth to Charlotte. It was a large factor in supplying the Confederate Navy with shells and machinery, and was of great value to the service.

Charlotte  
Navy Yard

The coke used in the foundry was made on the premises of coal brought from the Egypt mines, and everything needed, except guns, was cast there. The "navy yard" expanded into extensive proportions, and its operations were highly important. In connection with it a considerable number of Navy officers were stationed at Charlotte. The post was under the command of Capt. R. L. Page, who had supervision of all the departments of the work, while the commandant of the yard was Capt. H. A. Ramsay.

At Greensboro, under the activities of the patriotic citizens for the benefit of the soldiers in the field, an establishment there was turning out three hundred arms each month.

The prison

Salisbury was early chosen as a proper location for a military prison. Safe in the interior, with railroad connections, and noted for its climate, its advantages were quickly discerned. The buildings of a large cotton factory, erected in 1839, with sixteen acres of woodland had passed into the possession of the trustees of Davidson College, and in November, 1861, the Confederate Government bought it for a prison.

At first it was guarded by a company of Trinity students, commanded by Rev. Dr. Braxton Craven, the president of the college, that went into quarters as a guard. The first lot of Federal prisoners, numbering 120, was received December 9, 1861. Two weeks later nearly two hundred more were received, and Colonel George C. Gibbs was assigned to the command of the prison. By the middle of March, 1862, the prisoners numbered 1,500. In the report of Surgeon

Hall for that month it is stated that of the 1,427 prisoners 251 had been under treatment, and only one had died during the four months. When the cartel for the exchange of prisoners was agreed on during the summer all the prisoners of war were exchanged, and only Confederate convicts, Federal deserters and political prisoners, citizens arrested for alleged treasonable practices, remained. Subsequently, other Federal prisoners were confined there, but during 1863 and until the fall of 1864, the conditions were not dissimilar from what might be inferred from the earlier report of Surgeon Hall.

Among the other wartime industries may be noted: Rifles likewise at Jamestown and Asheville; sabers at Raleigh, Wilmington and Kenansville; bayonets at Raleigh and Kenansville; rifle stocks at High Point; shells at Raleigh, Wilmington, Fayetteville and Charlotte; powder and percussion caps at Raleigh; cotton cards at Raleigh, Goldsboro and elsewhere; paper at near Raleigh, Fayetteville and Lincolnton; knapsacks, canteens, etc., at many points. At New Bern they were making pistols when the Federals occupied that town.

North Carolina was forward in making provisions for the sick and wounded soldiers. Every regiment had its surgeon and assistant surgeon, and the Surgeon General of the State, Dr. Charles E. Johnson, was most active and efficient. He established at the outset a general hospital at Raleigh under Surgeon E. Burke Haywood, and in October, 1861, equipped and opened the first North Carolina hospital at Petersburg, with Surgeon P. E. Hines in charge, and from among the volunteers three ladies were selected as nurses at this institution—Mrs. Kennedy of Wilmington, Miss M. L. Pettigrew of Raleigh, and Mrs. Beasley of Plymouth. Later, early in 1862, Dr. Johnson opened the second hospital at Petersburg under Dr. Warren; and this was not merely a hospital, but a home for any North Carolina soldiers at Richmond. Then during the summer, he established wayside hospitals at Weldon, Goldsboro, Tarboro, Raleigh, Salisbury and Charlotte. Nor were Dr. Johnson's services confined to general oversight. Taking

The medical department

The hospitals



a corps of assistants, he visited every battlefield, carrying with him medicines and supplies of every kind necessary for sick or wounded soldiers. In these matters North Carolina led the way, and other states followed her example. And so, with regard to clothing and provisions as well as equipment of the soldiers, North Carolina early made the most satisfactory arrangements that were open to her. Having raised the troops, to provide for their necessities was her chief care.

### **The soldiers**

The men had gradually become accustomed to their duties as soldiers. They had learned by experience how to care for themselves, to provide for their comfort, to avoid inconveniences and to take precautions for their health. Whatever may have been their individual vocation at home, they now fell into the habit of using their best intelligence to make their situation safe and comfortable, and they became skillful in preparing their meals and performing the ordinary duties of camp life. But above all, their continued association fostered a spirit of comradeship, of self-abnegation and obedience. Thoroughly engrossed with the exacting requirements of the present in a measure they put aside other thoughts and became, as it were, a mere part of a great machine. Their calling was now to be a soldier and a member of the organization, and each was proud of his organization. Its reputation was dear to him. It was the instrument to make successful his hopes and aspirations. He had entered on the business of fighting for his country, for his home, for all that he knew of in life. He had become inured to fatigue and hardship, had had his nerves strengthened and hardened into iron by varied experiences and frequent perils. He had practiced self-control and self-possession in imminent danger, and was tutored in obedience. Gradually the ardent enthusiastic volunteer had been converted into the trained veteran.

Spiritual  
influences

Nor was life in camp devoid of spiritual influences. To every regiment the services of a chaplain were provided, and generally the chaplain had a roster bearing the name

of every man in each company, and he knew them all and ministered unto them in health, in sickness, and in death.

The chaplain of the Thirteenth Regiment has left a record bearing on the work of chaplains in the camps:

"Generally, most of the regiment would attend on Sabbath. Often the men of other regiments were encouraged by their officers to do so. In mild, open weather they often preached to very large crowds in the morning and at night. The hearers stood, sat, knelt, or lounged on the ground and generally gave decent attention to the sermons. Often the singing was grand. During two or three winters the troops built chapels where protracted meetings were held and many souls converted. But meetings were often held in the open air, night and day, and many turned to God.

"Many chaplains and visiting ministers had a chance to preach to brave men, a few days or a few hours before they were killed. Faithful chaplains were busy men. The soldiers heard far more preaching than they would have heard at home. Many read Bibles, tracts and religious papers more than they would have done at home. Most of them thought more about religion, prayed more and felt their need of God more than they would have done at home. And much of the chaplain's best work was in the care of the wounded and sick. Thousands of North Carolina soldiers will bless God for His goodness in giving them the attentions of kind chaplains."

The  
chaplains

Rev. A. D. Cohen, a Baptist minister, chaplain of the Forty-sixth Regiment, wrote from the camp at Goldsboro: "I have more opportunity to do good than any other time of my pastoral life. Every tent is the habitation of a family of six or eight men, each man of whom feels constrained to pay at least respectful attention to the kind counsel and good advice of their chaplain." While the ministrations of the chaplains nourished the spiritual life, they likewise strengthened manhood and devotion to the military duties and inspired courage and prepared the soldiers to meet the perils of the battlefield. Among those who served as chaplains may be mentioned Reverends A. A. Watson, A. W. Mangum, M. M. Marshall, W. S. Lacy, Aristides

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Smith, N. B. Cobb, Cameron F. McRae, W. A. Wood, W. R. Gwaltney, Colin Shaw, James M. Sprunt and A. D. Betts. Nearly every regiment had a chaplain whose good work merited particular distinction.

The tracts

A tract association at Richmond, and there was also a similar one at Raleigh, furnished not only Bibles and Testaments, but leaflets and tracts. The general tendency of the myriad of these publications distributed among the soldiers was to instill the precepts of patriotism as well as religious sentiment, so that they inspired both military ardor and spiritual life. Their influence can be epitomized by reference to one—a reprint of a sermon preached to Cromwell's Ironsides during the Commonwealth in England, when they were marching to victory over the Cavaliers who sought to uphold the government by prerogative maintained by King Charles. Its effect, in a word, was to inspire them with a grand confidence and make them stalwart soldiers. And in sympathy with the influence of these tracts was the pride which all shared in the exalted character of Lee and his masterful leadership, and the knowledge of the innermost life of their hero, Stonewall Jackson, himself a veritable Cromwell. No wonder, then, that as the year 1862 drew to its close the volunteers of 1861 had been converted into veterans who formed the most remarkable army known to history and who vied in performance with their prototype, the famous Ironsides. And of all of Lee's mighty host there were no regiments or brigades, either with respect to the men or officers, superior to those of North Carolina.

Illustrating the life in the country, Rev. F. M. Jordan has recorded:

The negroes

"In those days I preached very often to the colored people. The Grahams, Ruffins, Nashes, Camerons, Turners, and others owned a great many negroes and, living with such intelligent families, they were more than average in intelligence themselves. I baptized and married a good many of them. There was a settlement of colored people in Halifax County, Virginia, just over the State line from Bethel, but who were free before the war and almost white. They once belonged to Bethel, but finally built a good house and organized a church of their own in their settlement.

They had good farms, good homes, and everything in good order. I preached for them two years as pastor, and they paid me \$200 a year. The distance was forty miles. I went once a month.

"At that time (during the war) the Beulah Association included seven counties—Orange, Person, Caswell, Guilford, Rockingham, Forsyth and Stokes. So that the Association contained a great many preachers and churches, with a large membership. I was pastor of four churches and preached a great deal over the country, at schoolhouses and private houses, as there were a great many women and children who could not go to church. It was a time of great confusion, trouble and suffering."

Beulah  
Association

### In the army

Col. E. A. Osborne is quoted as saying:

"I saw but little difference, if any, from what the men were at home before and since the war. There was rather more piety manifested by the soldiers during the war than prevails among the men or young men today. I seldom heard an oath in the Confederate camps, and I had every opportunity, from second lieutenant to the command of the regiment. Our camps often resounded at night with hymns and spiritual songs."

Bishop Meade said in his convention address of 1862: "I rejoice to learn that in many companies not only are the services of chaplains and other ministers earnestly sought for and after, but social prayer meetings are held among themselves."

Prayer  
meetings

Dr. McKim said: "I was a private soldier the first year, and used to conduct prayer meetings among my comrades; had a tent devoted to this purpose.

"A year later, in the winter of 1863-64, a very remarkable religious revival swept through the Army, and thousands of conversions occurred. The Army reminded me of a regular camp-meeting while in winter quarters, and even in bivouac. Religious exercises were generally well attended by officers as well as men on week days as well as Sundays, and the moral and religious atmosphere in the camp

The revival



was good, remarkably so. How could it be otherwise, with our noble citizen soldiery, and the examples set before them by such men as Lee and Jackson at their head?"

Indeed, while most of the Confederate generals of the first distinction had been bred to arms, in many cases they were as eminent for religious character as for military achievement. Lee, Jackson, Stuart, Bishop General Polk, Pender, Hood, Bragg, Hardie, Joseph E. Johnston, among others, were examples. Says Private Carlton McCarthy, "Thousands embraced the gospel and died triumphant over death. And so the camp fires often lighted the pages of the Best Book, while the soldier read the orders of the Captain of his Salvation. And often did the songs of Zion ring out loud and clear on the cold night air, while the muskets rattled and the guns boomed in the distance."

#### **Daily life of soldiers**

Stripped of all sensual allurements, and offering only self-denial, patience and endurance, the Gospel took hold of the deepest and purest motives of the soldiers, won them thoroughly and made the Army as famous for its forbearance, temperance, respect for women and children, sobriety, honesty and morality as it was for endurance and invincible courage.

#### **On the march**

Troops on the march were generally so cheerful and gay that an outsider would hardly imagine how they suffered. In summer time, the dust combined with the heat caused great suffering. The nostrils of the men, filled with dust, became dry and feverish, and even the throat did not escape. The grit was felt between the teeth, and the eyes were rendered almost useless. There was dust in the eyes, mouth, ears and hair. The shoes were full of sand. The heat was at times terrific, but the men became greatly accustomed to it and endured it with wonderful ease. But the heat combined with thirst on a forced march was often so insufferable that rests had to be made on the road.

### The schools

Rev. Calvin H. Wiley had continued to give satisfaction as Superintendent of the Common Schools, and without opposition he was reëlected. Mr. Wiley had been an apostle of public education and had been successful in supplanting indifference with enthusiasm. He had found a vineyard without laborers and he had created an army of devoted workers. When the war suddenly came on, bringing its need for funds, there was developed a movement to use the school fund for war purposes. This Mr. Wiley combated with great energy, and so successfully that during Governor Ellis's administration the thought was abandoned; but soon after the Legislature met in November, 1861, the proposition was renewed, only to be again defeated. And so the schools were kept open, but necessarily they felt the strain of war. Difficulties daily increased; many thought it best to suspend, for it was hard to get textbooks, and still more difficult to find teachers. But in spite of all, the report of 1863 shows fifty thousand children in the common schools.

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There were but few printing offices in the State where books could be published; but quite a number of school books were prepared and published, one of the most active authors being Mrs. Moore of Raleigh. And while the education of the children was cared for the needs of the soldiers were not ignored. There were various organizations for the publication of religious tracts, sermons and the New Testament; and millions of leaflets were distributed in the camps.

### Railroads

All the roads in North Carolina were fortunately in a fine state of efficiency at the outbreak of the war. The North Carolina Railroad had just been completed, the Raleigh and Gaston was under the management of Dr. William J. Hawkins, and the Wilmington and Weldon under William S. Ashe, and these officers had maintained their lines in a high state of efficiency.



To succeed Colonel Fisher, killed at Manassas, Paul C. Cameron was selected as President of the North Carolina Railroad, and to succeed Colonel Ashe, S. D. Wallace became President of the Wilmington and Weldon. These three lines afforded the sole transportation from the South to Virginia and maintaining them in efficiency when there were no new supplies of iron, machinery or rolling stock, was as valuable a service as could be rendered even on the field of battle.

The Wilmington and Weldon road was threatened from the coast. It therefore became important to build the missing link from Danville to Greensboro. Colonel Ashe recommended it and urged it on the Convention, and the work was assigned to Capt. A. S. Myers of the Confederate Engineer Corps. There was a branch railroad from Henderson, and the iron was taken up for use on the proposed road; and some iron belonging to the Wilmington, Charlotte and Rutherford Railroad Company was also taken for that purpose and also the iron on the Charlotte and Statesville road. John Wilkes and his brother, sons of the distinguished Capt. Charles Wilkes, United States Navy, who had explored the North Sea, and who had also made, in 1858, an exploration and report on the Chatham coal fields, undertook to construct the road to Danville. The work was begun in 1861, but there were so many obstacles to be overcome that it was not completed until 1864.

### **The brigades**

When the North Carolina regiments were organized in the spring and summer of 1861 they were hurried off to Virginia, and for a period were not brigaded. Among the earliest North Carolina brigades were those of Generals Branch, Robert Ransom and Pettigrew.

General Branch had been appointed Brigadier General and was engaged in the defenses of New Bern. After the fall of New Bern the North Carolina troops assembled there were thrown in two brigades. The Twenty-fourth, Twenty-fifth, Twenty-sixth, Thirty-fifth and Forty-ninth were assigned to General Ransom; but later the Twenty-sixth was transferred to General Pettigrew. The Seventh, Eight-

eenth, Twenty-eighth, Thirty-third and Thirty-seventh were assigned to General Branch; on his death Lane succeeded him. Pettigrew, appointed Brigadier General February 26, 1862, was assigned to the command of a brigade consisting of the Sixteenth, Twenty-second, Thirty-fourth and Thirty-eighth North Carolina regiments. While in command of that at Seven Pines, July 1, he was wounded and taken prisoner, and W. D. Pender was appointed Brigadier General and assigned to the command of that brigade, and subsequently the Thirteenth North Carolina was added.

Lane

Pender

After the battle of Williamsburg, George B. Anderson was promoted to be Brigadier General and given a brigade composed of the Second, Fourth, Fourteenth and Thirtieth. He was killed at Boonesboro, and Grimes succeeded him. On his promotion, Ramseur, and later Cox commanded the brigade.

Grimes

Cox

In Ripley's Brigade were two North Carolina regiments, First and Third; in Colston's the Thirteenth and Fourteenth. The Fifteenth was under Howell Cobb. The Twenty-first and First battalions were with Trimble. The Twelfth, with the Fifth, Twentieth and Twenty-third formed Garland's Brigade. The Sixth was in Whiting's Brigade, but later, with the Fifty-fourth and Fifty-seventh, made Law's Brigade.

### End of the Virginia and the Monitor

When the Federals evacuated Norfolk in April, 1861, they attempted to destroy the *Merrimac*, a frigate of thirty-five hundred tons, one of the fine vessels built while Mr. Dobbin was Secretary of the Navy. The Confederate Navy officers converted her into an ironclad, and named her the *Virginia*. Early in March, 1862, the *Virginia* destroyed the *Cumberland* and the *Congress*, herself receiving no harm. In the meantime, a new style of vessel, also an ironclad, the *Monitor*, had been finished at New York and reached Hampton Roads while the *Congress* was still burning. A trial of effectiveness between the two ironclads resulted. No apparent injury was suffered by either, but eventually the



*Monitor* withdrew into shallow water where she was safe out of reach of the *Virginia*.

When Johnston abandoned the low country, the *Virginia* was ordered up the James; but as she drew too much water to pass up the river, by a most extraordinary decision, her officers destroyed her.

The *Monitor*, towards the end of December, 1862, was ordered to Beaufort. In passing Hatteras in tow of the *Rhode Island* on the night of December 30, she encountered a fierce gale, and at midnight went down on our coast. Her commander, Lieutenant Bankhead, and the gallant Lieut. S. Dana Greene and sixteen of her crew were fortunately saved.

Thus ended these two vessels that revolutionized naval warfare. At Wilmington it was feared that the *Monitor* was making for the waters of the Cape Fear, and that she was lost en route gave relief from that apprehension.

### **Natural changes**

When the Conscript Law came to be enforced with the result of disturbing many who had been content to remain at home conducting their ordinary business, it brought about new conditions that led to discontent. The labor problem began to bear acutely in some families where nearly all the able-bodied men entered the military service, but while a large majority of the people were not slaveholders, a very considerable number of families owned a few slaves, so that except at the west, the necessary labor on the farms was not greatly disturbed.

In the camps the conscripts were not generally received as brothers by those who early volunteered, and they were at some disadvantage on that account. But it was a necessity. Untrained conscripts, crowded together in companies, would at first have been useless, but, scattered here and there among the trained soldiers, did well.

The appeal to arms by the Northern governors had resulted so unfavorably that on June 28 all the governors of the Northern States united in a formal signed document requesting President Lincoln to call for more troops. Pos-

sibly Mr. Lincoln may have desired this action. Agreeably to their request, Mr. Lincoln at once issued a proclamation calling for an additional force of three hundred thousand men, assigning a quota to each state. The drafts made in pursuance of this call led to riots at the North, but the troops were obtained.

At the North

June 28

### Capture of the *Ellis*

On the 24th of November an armed iron steamer, the *Ellis*, came into New River and went to Jacksonville, where the Federals took such articles as they chose. When her presence was made known to Captain Ward by his pickets he and Captain Newkirk, with a detachment of his cavalry, the Rebel Rangers, and Lieutenant Latham, with one piece of artillery, hastened to the scene. As the *Ellis* was proceeding leisurely down the river, Lieutenant Latham opened on her with his rifled gun, causing her to leave the main channel and throwing the crew into confusion. But she soon opened her batteries on Latham's position, with shell and canister. Finding he could make no impression on her iron sides, Latham moved his position; and the steamer in maneuvering, finally landed on a sand bank, from which she could not disengage herself. By nightfall Newkirk had been reinforced by a second gun, and when day broke, his two guns opened with such vigor that the crew hastily set the *Ellis* on fire and jumped into a boat, pushing out to a vessel lower down, in which they escaped. The *Ellis* was captured, and much ammunition and stores secured. It is not often that a detachment of cavalry succeeds in capturing a warship.

On the last day of October, 1862, General Foster set out from New Bern with three brigades, the Twenty-first, pieces of artillery and cavalry, to capture the Seventeenth, Twenty-sixth and Fifty-ninth North Carolina regiments foraging through the eastern counties. Two days later he encountered the Twenty-sixth Regiment at Little Creek, but Colonel Burgwyn retired to Rawls's Mills. After an engagement at this point Colonel Burgwyn withdrew towards Tarboro, and Foster retired to New Bern.

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**Battle near Goldsboro**Dec. 13,  
1862

In December Gen. G. W. Smith was in command in Eastern North Carolina, and from many sources information was received that General Foster was preparing for some movement. It was thought that Wilmington might be the object, and such precautions as were possible were taken. But the Federal purpose was to take Goldsboro; and with that end in view, with a strong force of infantry (ten thousand men) and 40 pieces of artillery and 640 cavalry, Foster approached Kinston. General Evans, with two thousand men, held them in check on the 13th and 14th, below Kinston, and at Kinston again delayed them two days. But here Evans, who was on the south of the Neuse, was outflanked, and before he got all his men across the river, four hundred were cut off and fell into the hands of the enemy. Foster, keeping on the south of the river, hurried forward and reached White Hall, but found that General Robertson had burnt the bridge there and disputed his crossing. A heavy engagement ensued; but Foster abandoned any purpose to gain the direct road to Goldsboro, and contented himself with advancing on that side of the river where he could reach the railroad bridge.

In the meantime reinforcements had begun to arrive from Petersburg and Wilmington. Early on the 16th General Clingman had arrived with the Eighth Regiment and took position about a mile and a half below the railroad bridge, where later he was joined by the Fifty-first and Fifty-second. Goldsboro was three miles from the bridge; and half a mile above the railroad bridge was the county bridge, the roads running parallel, with a swamp between them near the river, but with a cross-road connecting them about a mile distant from the river.

The positions

It was ten o'clock, December 16, when Foster reached the railroad south of Clingman's position and advanced up it, his cavalry on the county road getting in the rear of the Confederates. The protection of both bridges was important, especially that of the county bridge; and Clingman fell back, stationing the Fifty-second in front of the railroad bridge, the Eighth in front of the county bridge, and the

Fifty-first between the two. North of the river and at the railroad bridge and sweeping the approach, Colonel Pool with his artillery was placed as an additional protection. Foster opened heavily with cannon and musketry on the Fifty-second and Clingman led the Fifty-first to its support; but both regiments were forced to give way, and it being obvious that they could not withstand Foster's brigades, Clingman withdrew them to the county bridge. Pool's fire for an hour or more saved the railroad bridge, which Foster attempted unsuccessfully to destroy with his artillery. But about noon, Lieut. Geo. A. Graham of a New York battery, at great peril made his way to an abutment where, shielded from the Confederate fire, he started a blaze that eventually destroyed the bridge.

The county  
bridge

General Evans's Brigade had early arrived on cars from Kinston, but for some reason the cars could not be moved to the bridge, and Evans did not at once march his troops to the scene of operations. In the afternoon the Sixty-first North Carolina, under Colonel Devane, arrived and Clingman moved to the south of the river. Skirmishers were thrown out, and Foster was found to occupy the line of railroad behind its embankments for a mile and a half. Clingman proposed to attack them—both flanks simultaneously—and conducted the Fifty-first and Fifty-second down the river to a sheltered position, less than three hundred yards from the enemy's right. He then joined the Eighty-first and Sixty-first, who were pushing down the county road to reach the enemy's left. Before he had attained the desired position, General Evans reached the field with the Twenty-third South Carolina and Holcombe's Legion, and ordered the Fifty-first and Fifty-second to advance. In the meantime Foster had withdrawn his troops from the railroad to a higher field where he placed his artillery and concentrated his infantry. Under the orders of General Evans, the Fifty-second, in front, and the Fifty-first, fifty yards behind, double-quickened against the enemy, who stood ready to receive them. The men pushed forward with a yell, they were rushing into the jaws of death. Grape and canister from nine pieces of artillery thinned their ranks, but they

The battle



continued the charge until, having reached a ditch, more than midway of the battlefield, they sank into it. Evans's South Carolinians also reached the railroad, but quickly returned. In the meantime Clingman had reached his objective and opened on the enemy's left flank with the pieces of artillery served by Lieut. T. C. Fuller with excellent effect. The hour was, however, too late to renew the front attack. The night came on, and the Federals hastily retired towards Kinston, making some eighteen miles before day-break.

In this affair the Federals sustained a considerable loss. The Confederate loss as reported was 335; that of the North Carolina troops being 40 killed and 177 wounded; the Fifty-first Regiment suffering more than any other. Within a few days the bridge was rebuilt, and the interruption of traffic was inconsiderable.

In this battle, as elsewhere, General Clingman was particularly distinguished for his intrepidity, coolness and good judgment. Said an eye witness: "There could not be a man braver in the hour of fiercest battle than was Clingman on that occasion." The brigade repulsed every assault and, unsupported, charged Foster's attacking columns, and the latter's army retreated to New Bern. Lieutenant Fuller's coolness, bravery and efficiency in handling his piece of artillery won for him the highest encomiums.

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'On the return of a Federal expedition up the Neuse in December, Colonel Whitford posted his companies on the north side of the river almost twelve miles from New Bern, and successfully attacked the first vessel as it came down. She carried one gun, and opened on Whitford's men with grape and canister; but soon, under the galling fire of the cavalry, her crew, dead or wounded, was piled up about her gun, and she was silenced. Two other gunboats, however, soon came to her rescue, and although quite a number of their crew were killed or wounded, Colonel Whitford drew his men off without serious loss.

Whitford

**Capture at Plymouth**

Plymouth was held by the Federals. Early in December an expedition was organized to retake the town. The Sixty-third Regiment, Colonel Evans's Cavalry, was picketing in that region. Four of the cavalry companies, Moore's Battery of Artillery, and several companies of the Seventeenth Regiment (infantry), all under the command of Col. John C. Lamb, reached the Federal picket station just before day, December 13, 1862, and captured all of the pickets but one, he escaping and giving notice. The Federals quickly formed across the main street, but when the cavalry charged, after one volley, they broke and took to their heels in all directions—some to skiffs in the river, and others hid in the houses. A lively cannonade ensued between Moore's Battery and the gunboats. The Confederates captured more provisions and clothing than they could move and a number of prisoners. Capt. John M. Galloway, leading Company D of the Fifth Cavalry with his accustomed dash and bravery, was wounded, and three of the infantry. Although their success was perfect, yet as the gunboats could ascend the river and cut off their return, Colonel Lamb deemed it best to withdraw with the provisions and prisoners they had taken.



## CHAPTER L

### PROGRESS OF EVENTS AT THE NORTH

Mr. Lincoln's views.—Colonization.—Emancipation.—The preliminary proclamation.—The moral objection.—A war measure.—Montgomery's project.—The changed situation.—Feeling at the South.—The absentees.—Vance's action.—The Assembly Factious.—President Davis.—Thaddeus Stevens.—Hill besieges Washington.—The women and children.—To secure food for the army.—Old leaders.—Faction arises.

#### Mr. Lincoln's view

Mr. Lincoln in his Inaugural, said: "All profess to be content in the Union if all constitutional rights can be maintained. If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution; certainly should, if such rights were a vital one." But he declared, "physically speaking we cannot separate; and if the minority will not acquiesce, the majority must, or the government must cease." "I do not forget," said he, "the position assumed by some that constitutional questions are to be decided by the Supreme Court. At the same time the candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decision of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal." "This country," he added, "with its institutions, belongs to the people who inherit it. Whenever they grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it." And here we have an echo of his earlier address on the sacred right of a people to set up a new government for themselves. And while Mr. Lincoln probably did not fully understand conditions in the seceded states, yet he did not minimize the attachment of the Southern people to the

Union. On the meeting of Congress in July, he said: "It may well be questioned whether there is today a majority of the legally qualified voters of any state, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many, if not in every other one, of the so-called Seceded States." Nor was Mr. Lincoln in full sympathy with Senator Sumner, who in the Senate on a solemn occasion some years later, spoke of the "slave power" as "driven from these legislative chambers." But it was in the minds and hearts of many of those with whom he was in coöperation a satisfaction that they had "driven" the slaveholders out of Congress.

Mr. Lincoln was born and raised in such surroundings that he regarded chiefly the interests of the white laboring man of this country. While he may have objected to any legalized servitude, his particular objection to African slavery was that he considered it adverse to the interest of white labor. His forebears were like the white men of Western Virginia whose attitude towards slavery was such that about 1833 the Legislature of the State failed by only a few votes in measures looking to gradual emancipation. He was opposed to its extension. But in one of his early messages to Congress he declared that as slavery in the states was protected by the Constitution, he did not object to a proposed amendment to the Constitution particularly forbidding interference with it. As his chief interest was the protection of white labor from African competition, he favored colonizing such of the slaves as might be set free.

### Colonization

In his first annual message, December 3, 1861, he said with regard to such negroes as might under the laws of Congress be held forfeited: "In such cases, I recommend that such persons be at once deemed free, and that in any event steps be taken for colonizing both classes, those liberated as property of the insurrectionists and those otherwise set free, at some place or places in a climate congenial to them. It might be well to consider, too, whether the free

Richardson,  
Vol. VI,  
140, 232



Appropriation for the purpose

colored people already in the United States could not, so far as individuals may desire, be included in such colonization. . . . To carry out the plan of colonization may involve the acquiring of territory. . . . If it be said that the only legitimate object of acquiring territory is to furnish homes for white men, this measure effects that object, for the emancipation of colored men leaves additional room for white men remaining or coming here. . . . On this whole proposition, including the appropriation of money with the acquisition of territory—does not the expediency amount to absolute necessity—that, without which the government itself cannot be perpetuated?”

### Emancipation

The first step towards emancipation was the act of Congress, 1861, declaring forfeited the slaves of all those persons who should have been duly convicted of engaging in rebellion and setting their slaves free. A trial for treason was necessary, and conviction. But when in that same month, General Fremont went further and issued a proclamation declaring free the slaves of disloyal citizens of Missouri, a state that had not seceded, Mr. Lincoln annulled that proclamation. Still “there is a political force in ideas, which silently renders protestations, promises and guarantees, no matter in what good faith they may have been given, of no avail; and which make constitutions obsolete.”

Constitutions become obsolete

Such was the course of events at the North. Southern statesmen had realized that the North was declaring the Constitution a league with hell and a covenant with death, and had demanded additional guarantees—but in vain. The way to emancipation was now open, the road clear. The opportunity was presented.

No attempt to settle difference

Mr. Lincoln preferred gradual emancipation. At his instance, Congress in April, 1862, passed a resolution that the United States ought to coöperate with any state which would adopt gradual emancipation. He personally considered that justice required compensation for the freed slaves; and this measure was drawn in that view. But the operation of this resolution was confined to states that had not

seceded, and, indeed, it had no effect whatever. It was never afterwards mentioned. Had Mr. Lincoln ever proposed that the slaves at the South should be paid for, and opened the way for a consideration of such a proposition, there is no telling what might have been the result. Indeed had such a proposition been made at any time during the war, some terms of accommodation might have been agreed on, and the effusion of American blood might have been brought to an end. On April 6, 1862, Congress passed the act to emancipate the slaves in the District of Columbia, paying an average of \$300 a head for them. Then in June, Congress passed a bill prohibiting slavery in any territory or place under the jurisdiction of the United States.

In July, 1862, Congress proceeded further and passed a bill confiscating the property of those in arms against the government, and freeing their slaves and declaring that all slaves coming into the possession or under the protection of the government should be free and that the President might employ them in such manner as he deemed best.

Confiscation

### **The proclamation**

On the 13th of July, 1862, Mr. Lincoln announced to some of his Cabinet that "The time had arrived when we must determine whether the slave element should be for or against us." Seward hesitated; Blair objected; Bates desired that the deportation of the colored race should be coincident with emancipation. Mr. Lincoln appears to have been fixed in purpose to compensate the owners, and to deport the negroes. The deportation of some of the negroes freed in the District had already been arranged for. They were carried to the Island of Vache, near Hayti and later were brought back at the expense of the government. The Cabinet being opposed, Mr. Lincoln at that time took no action on emancipation.

The Cabinet  
opposed

Richardson

In the meantime the Abolitionists were demanding that all slaves should be emancipated. "For many months the passionate appeals of millions of his associates seemed not to move him." And Mr. Greeley having addressed to him, "The prayers of twenty millions," Mr. Lincoln on Au-

Wells:Lin-  
coln and  
Seward,  
210-212



August 22

gust 22, wrote to him: "If I could save the Union without freeing any slave, I would do it. . . . If I can save it by freeing all the slaves I would do it. . . ."

At length, on September 13, a delegation from all the churches of Chicago called on the President to free the slaves, saying that "it was the will of God."

Without regard to massacre

Mr. Lincoln, in his interview with them, said: "You say, 'it is God's will,' but others tell me, 'No, no—it is not God's will.' I don't know whether it is or not." He said that if he "found it so, it would be so. . . . But I am thinking of it day and night." He further said: "Nor do I urge objections of a moral nature, in view of possible consequences of insurrection and massacre at the South. . . . I view this matter as a practical war measure, to be decided on according to the advantage or disadvantage it may offer to the suppression of the Rebellion."

Hay and N., VI, 156

The governors demand it

On the 22d day of September the governors met at Altoona, Pennsylvania. It was understood that they demanded that the object of the war should be changed, and that the abolition of slavery should be added to "the maintenance of the Union under the Constitution"—and that the execution of military affairs should be committed to persons of strict anti-slavery views.

Stephens U. S. Hist., 684

Mr. Lincoln yields

Mr. Lincoln's doubts now were resolved. He hesitated no longer. On that day he called his Cabinet together and read to them a draft of a proclamation he had prepared. Seward, Bates, Smith and Blair objected to it. Seward objected that the clause concerning the deportation of the negroes should be modified so that the deportation would be with their consent. Mr. Lincoln, with Chase, Wells and Stanton, then made changes in his proclamation, by which it was proposed to declare the slaves free in all the seceded states, except Tennessee; and that night he published it.

At that meeting, among other things, he said, that when the Confederates were at Frederick he made a promise to himself and his Maker, if they should be driven out of Maryland he would make such a proclamation. That, however, was a secret pledge.

The publication of the proclamation was unexpected by the public. A week before President Lincoln had abso-

lutely refused. It, therefore, came as a startling surprise. The Abolitionists hailed it with delight. The *Hartford Courant* declared with joy: "The year of Jubilee has come." And so the Abolitionists were happy. On the other hand, there were many not prepared for such a step. The *New York Whig*, a conservative journal, said: "Those who oppose the Emancipation Proclamation do just what President Lincoln has been doing for a whole year; what Seward and Blair did last week; what half of the Republican members of Congress did all through the last session of that body."

The public  
startled

That night many arrests were made in Washington City. Carriages were running all night long bearing persons arrested to the Old Capital Prison and conveying others to the station en route to Fort Lafayette in New York. With a strong hand opposition to emancipation was to be suppressed. The author was himself a prisoner of war and an inmate of that prison. He read in a Washington paper, perhaps the *Republican*, an account of an interview between Mr. Lincoln and some colored men who called to express their thanks. Mr. Lincoln was quoted as saying, substantially: "Do not take this too much to heart. I have not acted in the interest of your race. I have acted only to bring an end to the rebellion. If those in rebellion lay down their arms as I wish and hope, the proclamation will have no effect. If they do not, and emancipation follows, it may not be to the interest of your race. This is the white man's country; and it is doubtful whether the two races can live together in it, both in a state of freedom. The African race may all have to be deported."

Mr. Lin-  
coln's feeling

Mr. Seward had years before declared an irrepressible conflict between slave labor and free labor. That was merely a catching expression; but there now appeared on the horizon a conflict between white labor and free African labor. It gave concern.

The conflict  
of labor

Mr. Lincoln, in his subsequent message to Congress, said: "But not only in its effect and operation on labor, was emancipation the subject of concern: a moral objection was raised to it."



**The moral objection**

Massacre  
expected

*The Courier des Etats-Unis*, a conservative French paper published in New York, said: "Does the government at Washington mean to say that January 1st it will call for a servile war to aid in the conquest of the South? And after the negroes have killed the whites, the negroes themselves must be drowned in their own blood? Nevertheless, in rejecting this fearful explanation, we seek in vain any other reason for the measure announced by Mr. Lincoln."

Said the *Cincinnati Commercial*, a Republican newspaper, referring to the negroes, "The weight of United States authority is to be removed from their shoulders and they are to be allowed to fight for themselves."

The *Perry Freeman*, a Pennsylvania newspaper, said: "Through what blood they will be obliged to wade to make themselves free the future only can reveal."

Sumner saw  
no objections

Other papers took the same view that the proclamation was a first step to a race war at the South, a murderous insurrection, and the moral questions involved were discussed. To combat that, emancipation was declared to be a means to an end; and as to the slave insurrection, Senator Charles Sumner, in his Faneuil Hall oration, said: "God forbid that I should fail in any duty of humanity, or tenderness even; but I know no principle of war or of reason by which our rebels should be saved from the natural consequences of their own conduct. When they rose against a paternal government, they set the example of insurrection which has carried death to so many friends. They cannot complain if their slaves, with better reason, follow it."

Morton  
thought it  
all right

Governor Morton of Indiana said: "It was clearly a means to an end. It was no longer a question whether slavery was right or wrong. It was no longer to be viewed in the moral and political aspects. All these questions are aside, and the great question is: In what does the great rebel power consist? War consists not only in the use of gunpowder. We must use every means, and we had an undoubtable right to take that which sustains their armies in the field. It was as much a question of expediency as a march across the Potomac in any other direction."

Washington  
Evening  
Star, Oct. 7,  
1862

On October 6, Senator Sumner delivered a keynote oration at Boston, in which he maintained the principles Mr. Lincoln had enunciated and discussed the proclamation in its various aspects and phrases. 1862

Mentioning the apprehension that the negroes when freed would leave the South and come to live at the North, he said, "Not so, on the contrary, those at the North would go South, and the North would be freed from their presence." Mr. Lincoln then said nothing; but in December, in his message, he asked: "Cannot the North decide for itself whether to receive them?"—whether the North would allow the negroes to come. And perhaps by way of softening the picture that was presented to the Northern mind, short paragraphs were inserted in the newspapers to the effect that President Davis was about to issue a proclamation freeing the negroes at the South and President Lincoln had only gotten in ahead of him—an example of fine imagination and wiry polemics. The North and the negro

Richardson,  
VI, 141

In September, 1862, Mr. Lincoln's capital had been in danger, and he realized the necessity or desirability of greater exertions. He apparently yielded to the pressure of the governors, and expected to profit from the increased interest of the Abolitionists, the zealots with whom he was not in entire sympathy. And so, later, as they had required that only Abolitionists should be in high command, he soon displaced General McClellan, who, indeed, had been the instrument to clear Maryland of the Confederate force, bringing to pass the conditions on which Mr. Lincoln's promise to his Maker was based. McClellan himself put on record: "That the Abolitionists had constantly and persistently pursued him to the bitter end." One sees in the proceeding here no trace of sympathy for a downtrodden race, no humanitarianism, only military considerations, and considerations supposed to be interesting to the white labor of this country. Bearing in mind Mr. Lincoln's life, this point of view was entirely natural to him. He was for the white laboring man as became him. And in this respect he was not far different from Andrew Johnson, ever in antagonism with the gentry, who said: "As for the negro, there McClellan the victim



is no place for him in this country, but in slavery." Mr. Lincoln, being likewise of that impression was the apostle of colonization. But he was not awake to the magnitude of that undertaking, nor did he have the training and experience that presented the obstacles to his mind in a reasonable way any more than when he began the war and called for seventy-five thousand men to serve for three months in that enterprise.

Ogden's  
Life of God-  
kin, 264

Nor did Mr. Seward have any humanitarian sympathy for the negroes. He inveighed against the continuance of slavery in this country as a means to popularity—preaching that it conflicted with white labor. Early in life he himself had been a slaveholder, and he had no personal animosity against slaveholders. Indeed, he is quoted as saying that the North had no concern with the negro, that they were merely Hottentots.

How the proposed emancipation was to affect the war was not apparent at the South. It was for present purposes a mere paper proclamation, with no ability to enforce it, except as to the negroes in those localities where the Federal armies were in possession, and they were already at liberty to leave their homes and repair to the Federal camps and go where they pleased.

The evils

As secession had originally been grounded on the apprehension that the North would bring about the abolition of slavery, carrying into effect Mr. Lincoln's announced doctrine that this Union cannot exist half slave and half free, and as that threatened not merely such financial losses as would attend it, but other evils of far greater magnitude, it was not apparent, how the declaration of intention, the avowal of the purpose, would or could influence the Southern people to willingly return to the Union and accept the threatened evils which they were seeking to avoid:

Richardson,  
VI, 140

In his second annual message, December 1, 1862, Mr. Lincoln said: "I cannot make it better known than it already is that I strongly favor colonization; and yet I wish to say that there is an objection urged against free colored persons remaining in the country which is largely imaginary, if not sometimes malicious. It is asserted that their presence would injure and displace white labor and white la-

borers. Is it true that colored people can displace any more white labor by being free than by remaining slaves? If they stay in their old places, they jostle no white laborers; if they leave their old places, they leave them open to white laborers. Emancipation, even without deportation, would probably enhance the crops of white labor, and very surely would not reduce them. Masters will give them wages at least until new laborers can be procured and the freed men in turn will gladly give their labor for their wages till new homes can be found for them in congenial climates and with people of their own blood and race. And in any event, cannot the North decide for itself whether to receive them?

Mr. Lincoln's philosophy

The North

"With deportation even to a limited extent, enhanced wages to white labor is mathematically certain. Labor is like any other commodity in the market—reduce the supply of black labor by colonizing the black laborers out of the country, and by precisely so much you increase the demand for and wages of white labor. But it is dreaded that the freed people will swarm forth and cover the whole land. But why should emancipation send the freed people North? But if gradual emancipation and deportation be adopted they will have nothing to flee from."

As the time approached for decisive action, Mr. Lincoln seems to have reconsidered. In his message of December 2, 1862, he proposed a method of securing emancipation by 1900, but Congress would have none of it.

Had Mr. Lincoln's plan, then proposed, been adopted by the North probably it would have brought about a speedy end of the war and the eventual emancipation of the slaves. That, failing to meet the approbation of Congress, he pursued the course he had marked out in September.

### A war measure

Mr. Lincoln opened the year 1863 with a proclamation of emancipation declaring the negroes in the seceded states free—but not in the other states. Jan. 1863

The war had been begun at the instance of a few newly elected Republican governors, perhaps to put the Democrats of their respective states at a disadvantage. At the outset,



the movement at the South was deemed a mere slaveholders' revolt, without support, and would end in sixty days. But by improvidently provoking the withdrawal of other states and unifying the people of the South, Mr. Lincoln converted a small movement into a great struggle between the sections or states of the Union.

The original occasion of secession being an understanding that the North proposed to interfere with slavery, Mr. Lincoln, as for himself, denied the purpose; and then, in September, 1862, he published his first proclamation, followed in January by that of emancipation. It was the realization of what the South had apprehended.

He based his action on the declaration that it was a war measure. The consummation of the apprehension was necessarily a war measure—a measure for a greater war, a more lasting war—for a war to the bitter end. War measures have usually been considered of such a nature as would tend to shorten the conflict, to aid in bringing it to a close; this war measure was to intensify, to prolong. It could have no legitimate effect on the military power of the United States, except so far as the negroes might be attracted to its military service.

In his emancipation proclamation, the President enjoined the negroes declared free “to abstain from all violence unless in necessary self-defense.” Were this an invitation to negroes to assert their freedom as he proclaimed, and to maintain it “in necessary self-defense,” leading the way to servile insurrection, throughout the Southern country, it signally failed. And in this connection, it is observed that a general plan was devised by A. S. Montgomery at Washington City, for a rising of the negroes throughout the South, formulated May 12, 1864, and to be carried into execution August 1st. It was approved by “The Department of North Carolina.” It was much in a line with General Foster’s personal views and actions. But it is no less creditable to the African race than a remarkable muniment of the benevolence of the slaveholders and the non-slaveholders alike, throughout the South, that notwithstanding the country was largely denuded of white men, the negroes, while remaining in their homes, deported them-

Mont-  
gomery's  
project

O. R., N. C.,  
CVIII, 737

selves as they were raised to do. A relatively few sought Federal employment.

Thus there were no negro insurrections, and indeed massacre was not a legitimate war measure as understood by civilized and enlightened people. It would have been a stain on the good fame and name of the Northern people. And yet there were those in New England and, perhaps, elsewhere who approved the plan of John Brown to inaugurate wholesale murder and butchery after the fashion of Wyoming Valley, but far surpassing that in infamy. So this action by Mr. Lincoln, instead of opening a way to some accommodation, closed the door to peace. In this view the performance was, indeed, a war measure. It fixed Mr. Lincoln's policy so positively that he would never retrace the step.

The changed demand

Then the character of the conflict changed. It was no longer a purpose of the Northern side to maintain what some considered the integrity of the Federal Constitution, proposing to assert its authority over all the states. It was now a conflict threatening the civilization of the Southern States.

Personally, Mr. Lincoln was inclined to compensate the owners for their loss of property, but there were other considerations against his proposed emancipation many times more weighty than the pecuniary losses involved. That he was not unaware of them is indicated in his address to the negroes the evening after issuing his first proclamation in September.

He would himself seek no adjustment of the sectional differences, and he put the Southern people in such a case that they could only fight to exhaustion. But this must be said—that Mr. Lincoln did not control Congress. That body was under the leadership of men who were unfamiliar with the voice of humanity and had no bowels of compassion even for their own sons. Themselves not subject to the vicissitude of the battlefield, they sent the young men of the North to war with avidity and were inattentive to the sorrows that afflicted the mothers in Northern households. They provided the young soldiers not for purposes

The issues



truly patriotic, nor for "our country, right or wrong," but to crush out those from whom they demanded abject submission to their tyrannical despotism. The lives of a hundred thousand were unnecessarily sacrificed that they might have their will. And in sympathy with them were such men as Phillips Brooks, whose record in the pulpit at Philadelphia gives him prominence in that class.

The proclamation of President Lincoln emancipating the slaves in the Confederate States gave a new aspect to the war. Primarily, the South had separated from the North because of apprehension that slavery would be interfered with; but the war had become a struggle for independence, and the original cause of the movement largely passed from view. Notwithstanding emancipation would carry with it a loss of a billion of property and would disturb the social conditions at the South by freeing from strict regulations three millions of negroes not qualified for citizenship, and who, as free men would be a social menace—had that been the price of independence, the South now might have paid it.

Southern  
feeling

Such was one of the consequences of protracted hostilities and of the animosities that had attended the warfare. Every great battle had virtually been a Southern victory—the spotless flag of the Confederacy was the symbol of honor and glory and of a new nationality. The spirit of the people was fixed for independence; the star of the new Confederacy had risen; it was enshrined in the hearts of the people.

The proclamation, therefore, made no impression on the Southern people. It was mentioned by the papers as a mere *brutum fulmen*—an emanation of ill-will incapable of being enforced; and was of no effect except in the territory occupied by the Federal troops.

### Effects of the war

The progress of the war had brought its vicissitude. Desertions had increased and, here and there throughout the State, numbers of deserters had congregated. In the section where Moore, Randolph and Montgomery join it was said that the deserters had committed numerous and serious

House Jour-  
nal, Feb. 5

disturbances against the lives and property of Confederate people. It was the same in many other localities. 1863

Governor Vance sought to apply a remedy, and obtained the coöperation of the military authorities. Accordingly, on January 23 General Smith issued a general order pardoning all who were improperly absent from their companies if they should report by the 10th of February, and giving furloughs to one in every twenty-five in every company that had no men improperly absent, for such a period that they could remain at home fourteen days. And Governor Vance the next day issued a proclamation exhorting all absentees to return to their companies. Excellent results attended this proclamation by Governor Vance. Thousands returned. A statement from the Sixty-first Regiment announced that it was "some two hundred stronger than some months ago; Governor Vance's proclamation has brought in a great many stragglers, deserters, or other absentees that never would have otherwise come in."

House Jour-  
nal, Feb. 27

#### Vance's message

Governor Vance, in his message to the Assembly, manifested a most admirable spirit. "The enemy is again threatening our seaports and lines of communication, but every possible preparation has been made to receive them. The most serious evils which our generals have to contend with are the inefficient execution of our conscript law and the alarming increase of desertion. This ought not to be suffered to continue—and it can be prevented by a little prudent legislation. With the consent of the highest military authorities, I propose to give absentees from the army, by proclamation, thirty days in which they can return without punishment"; and he asked that the militia, when ordered out to arrest conscripts, should be under the Articles of War.

The subject of arresting citizens on charges of disloyalty had been one of irritation, and now he mentioned that the Confederate officers "with a spirit of courtesy and respect for State authority, had turned those arrested over to him for examination," and he mentioned the appointment of a



commissioner to make the examinations. He took "great pleasure" in transmitting a letter from the Secretary of War in relation to the case of Rev. R. J. Graves, that had caused bitter remarks at the earlier session. "Admirable in spirit, ample in explanation and in expression of regard for the rights and sovereignty of the State, it cannot fail to give you the satisfaction I experienced on its perusal."

In a word, apparently, every cause of dissatisfaction with the Confederate administration was removed, and Vance led the way for harmonious coöperation.

The Assembly took up the Ten-regiment bill that ignored the Conscript Act, and after several days of discussion, it was defeated—Governor Graham and some ten other Conservatives voting against it—the vote cast being 18 for the bill, 27 against.

Senate Journal, 99-101

Ibid., 198

Similarly, resolutions that had passed the House in relation to the liberties of the people were, on motion of Governor Graham, tabled, and he defeated the more stringent propositions offered with respect to habeas corpus in the cases of citizens held by the military for disloyalty. But the bill to punish aiders and abettors of desertion was defeated by a majority of four. And the House, by a vote of 67 to 26, adopted a resolution instructing the Senators and Representatives in Congress to procure the repeal of the act authorizing the President to suspend the writ of habeas corpus.

As an illustration of the captious temper of some members of the House, on January 21, quickly after meeting, at Colonel Fowle's instance, a committee, of which he was chairman, was appointed to inquire into the power of the Provost Marshal to require all citizens to obtain passports before leaving Raleigh, and to report by bill or otherwise. The committee met and had the Provost Marshal before it. He disclaimed having any such power. There was nothing in it.

•President Davis

Congress having convened in January, President Davis, in his message, mentioned Lincoln's proclamation and referred to the declaration of Mr. Lincoln that there was no "constitutional power to do the act which he had just committed"; and he said, "The people of this Confederacy then

cannot fail to receive this proclamation as the fullest vindication of their own sagacity in foreseeing the uses to which the dominant party in the United States intended from the beginning to apply their power." It closed the door to any expectation of the voluntary return of the Southern States to the Union. The border states—Virginia, North Carolina and Tennessee—at least, had been driven from the Union by Mr. Lincoln, and the terrible war had unnecessarily been inaugurated by him, and now he closed the door for any amicable termination of hostilities. 1863

The war now was to the bitter end. Indeed the declaration of Thaddeus Stevens, leader of the Republican party in the House branch of the Federal Congress, was to the effect that the Southern States "had no rights under the constitution and were to be treated as if they were a desirable portion of the Mexican territory." "His pronunciamiento," said the *New York World*, "invites us directly to contemplate a war for the Union without the Constitution. . . . Virtually it gave an entirely new cast to the hostilities begun ostensibly to enforce the Constitution—converting it into a war of conquest and domination."

Cox: Three  
Decades, 123

President Davis, in his message, urgently recommended to Congress judicious provisions against resort to impressment; and of the exemption law he said: "It especially devolves on you, the representatives of the people, to reform abuses, to correct errors, to cultivate fraternity and to sustain a just confidence in the government. . . . Our armies are larger, better disciplined and more thoroughly armed and equipped than at any previous period of the war: cannon crown our fortresses that were cast from the products of mines opened, and foundries built during the war. Our mountain caves furnish much of the nitre for the manufacture of powder. From our foundries and laboratories, and armories and workshops, we derive in great measure our materials for war. . . . Cotton and woollen fabrics, shoes, harness and gun carriages are produced in increasing quantities. In the homes of the women the noise of the loom and of the spinning wheel may be heard throughout the land."



**Military operations in the State**

After the battle of Fredericksburg, General Lee, feeling that he could spare some of his troops, detached Longstreet with two divisions to go south and extend that protection to Southern Virginia and North Carolina that he had been unable to do earlier; and while it reduced his force to some thirty thousand men, it relieved the pressure for supplies at the front, and afforded an opportunity to gather in and utilize such provisions as could be secured in the regions near the seaboard. Among the brigades sent to this State was Pettigrew's.

Thus when the Assembly met on the 19th of January, 1863, North Carolina was well defended, although active hostilities were daily expected; for with the opening of the new year came reliable information that the Federal forces at New Bern were being largely increased, and warships were congregating at Beaufort. On the 4th of January General Whiting notified the people of Wilmington that he expected an attack in three days. General Foster with a considerable force marched to Trenton, and then returned to New Bern. His forces, being now increased, he threatened movements in several directions, and the Confederates were watchful.

General Whiting had at Wilmington ninety-nine hundred men, including Clingman's Brigade, that occupied Camp Ashe, on the sound. At Magnolia Pettigrew's Brigade was stationed; at Kinston, Evans's South Carolina Brigade and General Robertson with three regiments of cavalry; at Goldsboro were the brigades of Daniel and Davis, and nine batteries of artillery; while at Weldon, were the Forty-second Regiment and a battery; at Hamilton, the Twelfth Regiment. Altogether about thirty-one thousand men were now in the eastern part of the State.

General Longstreet, understanding that provisions were abundant in the territory within the Federal lines, determined to use every endeavor to obtain them. It was necessary to hem in the enemy and confine them to their fortifications while the wagon trains were so employed.

To that end, having made his preparations, he moved his troops in Virginia across the Blackwater to hem in the forts around Suffolk, and ordered the troops in North Carolina to make a similar advance.

Early in February, 1863, General Smith resigned, and was replaced by Gen. D. H. Hill, but subject to General Longstreet. So under these instructions General Hill organized a demonstration against New Bern.

In this enterprise General Daniel's Brigade moved towards New Bern on the lower Trent road, General Robertson's Cavalry on the upper Trent road, and General Pettigrew with his brigade and fifteen pieces of artillery was to attack Fort Anderson and the gunboats near Barrington's Ferry.

On March 9 General Pettigrew started from Goldsboro and by rapid marching, reached Barrington's Ferry. The Parrot guns to destroy the gunboats proved worthless. General Pettigrew could have carried the fort, but could not hold it. There would have been no compensation for the loss of men. He therefore abandoned the enterprise.

After the withdrawal of the troops from before New Bern the several regiments were marched to points where their presence was needed to meet the threatened movements of the Federal forces. The Fifty-second arrived at Tranters Creek, about eight miles from Washington, on the 19th of March. On the 28th it moved to a point on the Pamlico River, seven miles below Washington, and there erected a heavy earthwork called Fort Hill.

Siege of  
Washington  
begins

General Hill's troops, mainly Pettigrew's Brigade, were stationed on the south side of the river. Four batteries, among them Reilly's, under Capt. Joseph Graham, occupied a position at Rodman's Point, a mile and a half below the town.

The Federal general, Palmer, was in command of the town. On the 10th the battery opened fire on the Federal fortification, Reilly's Battery firing about 175 rounds each day. The guns at Fort Hill were of light caliber and were not equal to the heavier guns on the Federal gunboats that shelled the fort constantly. But occasionally two Whit-



Foster  
driven back

worth guns would be sent down from a battery near the town, and on several occasions these inflicted considerable damage on the gunboats. On April 10, General Foster advanced from New Bern to relieve Washington, but was met at Blount's Creek by General Pettigrew, and after a slight skirmish the Federals retired.

Clark,  
Reg. Hist.,  
pp. 492-512

Eventually, on the 14th, one of the gunboats passed Fort Hill and carried needed supplies to the garrison; and, under the orders of Generals Lee and Longstreet not to lose men and to draw off when nothing was to be gained, the siege was abandoned.

The women  
and children

General Hill's siege of Washington was predicated on the expectation of starving the garrison out. He, therefore, when it was invested asked for surrender, which was refused; then, that the women and children should be sent out, which was refused. The Federals had a fort in the town, and two blockhouses and fifteen hundred men, and General Hill did not propose to lose any men in an assault. After Hill's withdrawal there was published in the *Fayetteville Observer* the substance of a letter from a lady in Washington: "She enclosed a printed order from the Yankee brigadier general, Potter, stating that many of the residents had openly displayed their sympathy with the rebel besieging forces and had communicated with them by signals, and therefore ordering that 'all persons' shall take the oath of allegiance to the U. S. or leave the place within five days. The lady writes that she and others are nearly crazy. They cannot leave, for they have no place to go but to the wild woods, and no means to live upon if they go, for they are forbidden to carry anything with them but their clothes. At first the order allowed them to take their effects, but afterwards it was changed to allow only clothing. The conduct of the buffaloes and negroes is perfectly outrageous, and she cites instances of their insulting behavior. 'Everybody is perfectly crazy,' says she, 'they do not know what to do. God help us. Pray for us—tell all the people to pray for us, and for Heaven's sake, don't call us traitors, for we are driven to it. Our whole hearts are with the South, and the thought of taking that oath is killing to me, but we have such a

large family and no money that it is impossible for us to go.' ”

About the middle of May, 1863, over sixty women and children, some of the women being seventy-five to eighty years of age, and thirteen men were driven out of New Bern because they would not take the oath. It was a sad spectacle to see them, with no homes in prospect, thrown destitute on the charity of the world.

### **Movements of troops**

General Clingman's Brigade had, after Kinston, been ordered to the defense of Georgia and South Carolina, where Beauregard was in command, but after the attack on Charleston by Dupont's fleet had failed it was returned to Wilmington.

Operations in Eastern Carolina now ceased, but the regiments were on constant picket duty. The Fifty-ninth had an engagement with the enemy some eighteen miles below Kinston, and the Fifty-sixth started to their aid; but, the occasion passing, the Fifty-sixth took position on the Davis road at Gum Swamp, eight miles below Kinston. The enemy advancing, for some five hours an equal contest ensued until nightfall. Earthworks had been erected at that point, and on May 22, the Fifty-sixth again occupied them. After a short engagement, the enemy being in considerable numbers, making a detour, gained the rear and the Confederates retired, suffering the loss of 146 men of the Fifty-ninth Regiment. But, later, General Hill reached the field with Ransom's and Cooke's brigades, and pushed the enemy back to New Bern.

Clark, III,  
327, 328

By the end of May many of the regiments that had been operating in North Carolina were recalled to Virginia, among them Pettigrew's Brigade.

### **To secure food**

For the continued operations of the Army the great need was provisions. On April 2, 1863, Governor Vance issued a stirring address to the people, urging them to make pro-



visions and not to plant cotton or tobacco. "By universal consent there is allowed to be but one danger to our speedy and triumphant success, and that is the failure of our provisions. Our victorious soldiers now constitute the best army in the world: guns and ammunition are abundant; time and experience have given us admirable leaders, and everything is prosperous and hopeful except in the field and workshop. Everything depends upon the industry and patriotism of the farmer. And as the soldier who shirks the conflict and deserts his comrade in the hour of battle is a coward or a traitor, so equally is he who withholds his hands from the plow or who guides it to the production of those crops which produce money and not bread, though he may not so intend it."

The tax in kind

Indeed, the future supply of provisions was such a necessity that in April, 1863, the Confederate Congress passed a tax law which, among other provisions, laid a tax in kind of ten per cent, as follows: Each farmer, after reserving one hundred bushels of corn or fifty barrels of wheat, one-tenth of the residue and one-tenth of his bacon were to be delivered to the agents of the government.

The Confederate sympathizers organize

The spirit of the Legislature adverse to the Confederacy did not pass unnoticed. On the adjournment of the Legislature a number of the members and of citizens met in the House of Representatives and associated themselves into an organization, adopting resolutions that were published. "Impatient and indignant at the wrongs and oppressions heaped on us and those who agree with us, by an accidental dominant faction now in power in this State, . . . having determined to organize in resistance at the ballot box," they resolved that they "repudiate and abjure all idea of party organization. That in this holy struggle for all that is dear to freemen, conciliation, harmony, brotherly kindness and forbearance should be the object of every patriot. That attempts, whether open or secret, to bring about a restoration or reconstruction of the old Union, are unpatriotic, wicked and treasonable. We therefore appeal to the patriotic spirit of the people to visit with just condemnation all attempts of the dominant faction to pass meas-

ures calculated and designed to bring about a conflict between the State and Confederate Government."

A central committee of thirteen was appointed, consisting of Governor Bragg, Kenneth Rayner, D. M. Barringer, and others; and also a committee of consultation consisting of Weldon N. Edwards, David S. Reid, W. W. Avery and others. Governor Bragg was at that time the Attorney-General of the Confederate States, but the political situation in North Carolina was such that he resigned and returned to Raleigh, where, under a commission from the President, he had charge of such matters as might lead to controversy between the State and the Confederate authorities. George V. Strong was employed as an attorney to prosecute in cases before the courts. Judge Asa Biggs was the Confederate district judge for North Carolina, and he held the terms of court appointed by law.

The former political leaders had generally been very quiet. Mangum, Morehead and Badger had not participated in the proceedings. Governor Morehead, on his return as a member of the Peace Congress, retired from political activity, all his sons and kinsmen being active in the war. He survived until 1866.

Judge Mangum had sent his only son to the field, and he fell at Manassas. The blow brought on paralysis from which he expired September 7, 1861.

Old leaders

John A. Gilmer was elected to the Confederate House of Representatives in 1863, taking his seat May 2, 1864.

Judge Badger had become a justice of the peace for Wake County and served as chairman of the County Court, as had Chief Justice Ruffin in Alamance County and William A. Wright in New Hanover County. While taking an early morning walk on January 5, 1863, he was prostrated by a paralytic stroke and never fully regained possession of his faculties, although he survived until May 11, 1866.

Governor Vance seems to have been unduly impressed by the politicians, who for purposes of their own magnified every circumstance that made against the Confederate Government.



**Friction arises**

Lee sends  
forces south

Leg. Doc.,  
Feb. 25,  
1863

After Fredericksburg, Lee sent half of his army to the southward for convenience in supplying the soldiers with food, and similarly a great many horses belonging to the cavalry were sent to regions where they could be subsisted during the winter. Some were sent to Western North Carolina. Vance demanded that they should be withdrawn. "Unless they are removed soon I will be under the painful necessity of calling out the militia of the adjoining counties and driving them from the State."

General Sam Jones, in response, asked that the horses be allowed two or three weeks longer. "If Governor Vance will bear with me a few weeks longer I can relieve his State of the horses without injury to the service. If the horses are brought into Virginia now they will probably starve." The horses stayed; nobody starved.

Vance's  
Letters

On December 21, 1862, the Governor was inflamed by reports of outrages committed by "detached bands of troops, chiefly cavalry." "I give you my word that in North Carolina it has become a grievance, damnable and not to be borne. If God Almighty had yet in store another plague, worse than all others, which he intended to have let loose on the Egyptians, in case Pharoah still hardened his heart, I am sure it must have been a regiment or so of half-armed, half-disciplined Confederate cavalry." The Governor gave no particulars. The Secretary of War replied: "Of course, if the crime committed be cognizable by a civil tribunal, the offender is subject to the demand of the Executive of the State. It is suggested when depredations are committed by troops of the Confederacy, that the names of the perpetrators, designating the commands to which they belong, be communicated to the Department that they may be brought to trial."

Leg. Doc.,  
1864, 45

Colonel August of some other state had been assigned to the command of the conscript camp in North Carolina; and, on remonstrance, Colonel Mallett, a North Carolinian, was ordered to relieve him, and the Department said: "Whenever the wishes of his Excellency, the Governor, can be accorded with, without a clear infraction of the law, it is

desirable to do so." And General Rains added, with regard to differences that might arise: "Hence forbearance is respectfully asked until conference can be had with this Bureau, with which you are cordially invited to correspond; believing that between us, of the same State, no differences can occur in such matters, the legality of which is left to your judgment."

The Governor's reply was not in similar terms, but he assured the General of "my great desire to assist in attaining independence by any possible means consistent with the preservation of liberty."

Difficult indeed was the situation of Governor Vance, young, generous and with noble impulses, whose heart was with his comrades in gray on the battlefield, and whose sympathies were profound for the homespun men and women of the State—while now surrounded by an atmosphere of disaffection in which every inconvenience was magnified into a hardship and every variation from ordinary action was stigmatized as a wicked and relentless assault on the liberties of the citizens.

If, at times, he became intemperate in expression, it was either to conciliate malcontents or to command attention and secure remedies, rather than merely to harass the Confederate authorities. And while through his aid the conscript act was enforced more thoroughly in North Carolina than elsewhere, and more provisions were gathered in the State than in any other, yet the proceedings in apparent antagonism of the Confederate authorities received a coloring that brought the State into unpleasant distinction; and, particularly, some of the Richmond newspapers made bitter and galling remarks, which caused much irritation.



## CHAPTER LI

### CHANCELLORSVILLE—GETTYSBURG

Hooker's plan.—Advances to Chancellorsville.—Jackson's flank movement.—Drives the Federals back.—His death.—Stuart advances.—Sedgwick driven back.—Hooker defeated, recrosses the Rappahannock.—The losses.—The Assembly meets.—Vance's message.—The conscripts.—Those exempted.—Hale leaves Holden.—Riots at the North.—Federal raid in Duplin.—Excitement prevails.—Williamston burned.—Lee enters Pennsylvania.—Lee's divisions occupy York and Carlisle.—The clash at Gettysburg.—The North Carolina regiments on first day.—The second day at Culp's Hill.—Death of Avery.—Pender, Scales and Hoke wounded.—Pender dies.—The third day.—Cemetery Ridge.—The column of attack.—Pickett on right.—Pettigrew on left.—The charge.—The result.—The losses.—Lee retires.—Pettigrew mortally wounded at Falling Waters.—Death of Ruffin.—Bristow Station.—Disaster to Hoke's Brigade at Culpeper.—Clingman's Brigade at Battery Wagner.—Boone's Mills.—Devastating raid on Rocky Mount.

April, 1863

Fighting Joe  
Hooker

McClellan had been removed: Burnside had made haste, and after his defeat, he was replaced by General Hooker, who had the sobriquet of "Fighting Joe." He spent three months in preparation, and the close of April found him with a well-equipped army of 132,000 men, of whom there were 12,000 cavalry and more than 400 guns of artillery. Every branch was thought to be in a high state of efficiency. Lee's army had been reduced by the withdrawal of Longstreet's two divisions of fifteen thousand men. To mask his designs, Hooker dispatched a force of ten thousand cavalry under General Stoneman to operate on Lee's lines of communication with Richmond, crossing at Kelly's Ford.

On the morning of April 29, Sedgwick with thirty thousand crossed the Rappahannock, some six miles below Fredericksburg, but did not advance. Hooker himself with his main army on April 30 crossed at United States Ford, and proceeded to a point known as Chancellorsville, ten miles southwest of Fredericksburg, where several roads intersected in a dense thicket, which extended for miles in

every direction, its wild aspect suggesting the name of "the wilderness." Hooker now boasted that the Confederate Army was in the toils and "certain destruction awaits it. . . . It was the legitimate property of the army of the Potomac." He began by throwing up two strong lines of breastworks, one to the east, and the other to the north, and cleaning off the brushwood a hundred yards in the front, while he placed his artillery commanding the roads of approach. But the south and west of his position were not protected.

The wilderness

### Death of Jackson

Lee approached towards his front, and then dispatched Jackson with his corps of 22,000 men by a circuitous route of fifteen miles to attack Hooker on the west. At dawn on the morning of May 2, Jackson was in motion, while Lee with 12,000 men occupied his position in the front of Hooker's 90,000. In the afternoon, Jackson reached a point three miles in Hooker's rear, and Fitz Lee conducted him to where he could get a view of Hooker's position. Jackson was ready to attack at six o'clock, Rhodes and Colston's Divisions being in the advance, and A. P. Hill in reserve. They struck, first, Howard's Corps, which, surprised and panic stricken, fled precipitately, communicating the panic through the other troops. Jackson's forces pushed forward, routing line after line, until nightfall put a stop to the operations. Another hour of daylight, and the destruction of the Federal Army had been accomplished.

Lee's strategy

Jackson's success

After his lines had been reestablished for the night on the ground occupied Jackson began to make a personal reconnaissance and passed to the front, several hundred yards in advance of his lines. On returning, some Confederate troops thought the party, all on horseback, were Federal scouts, and fired a volley. Jackson whirled his horse into the woods, bringing him directly in front of a portion of infantry who had been warned of a possible attack by Federal cavalry. Another volley was directed at him, and he fell pierced by three balls. He was lifted in a litter and carried off. General Pender, being present, expressed his

Jackson wounded



fear of not being able to hold his position. "You must hold your ground, General Pender; you must hold your ground, sir." This wounding and the death of Jackson, which occurred on the 10th, was the most deplorable event of the war. Lee lost his right arm, and the people mourned.

May 3

Sedgwick

Hooker  
retreats

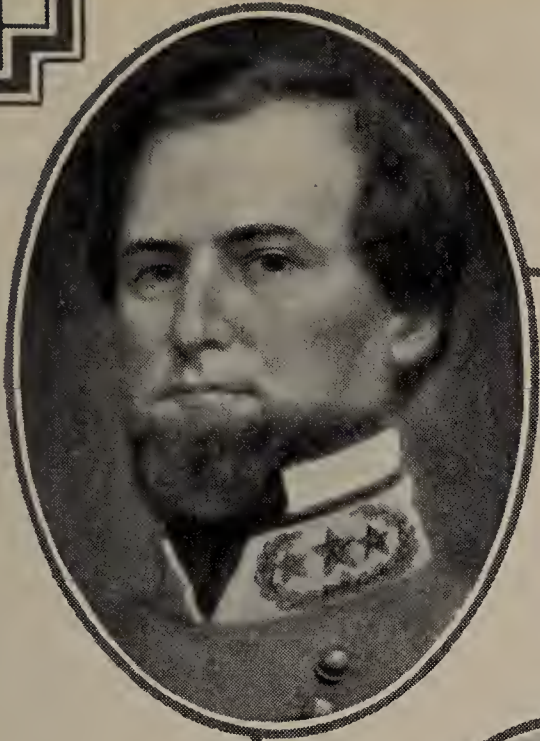
Stuart succeeded Jackson in command, and on the next morning, May 3, attacked with vigor, but Hooker's dispositions were well made during the night, and his troops held their ground with stubbornness, till ten o'clock, when, unable to withstand the impetuous assaults of Rhodes, Heth, Pender, Lane, Doles and Archer, they gave way and safely retreated to a strong line of defenses purposely constructed to cover the approach to the United States Ford. While this battle was in progress at Chancellorsville on the 3d, Sedgwick forced back Early, and taking Marye's Heights, proceeded toward Chancellorsville. On the afternoon of the 4th Sedgwick was confronted by Wilcox, Anderson and Laws, while Early attacked him in the rear. Sedgwick was defeated, and saved his corps by withdrawing during the night across the Rappahannock. Lee had intended to renew the battle with Hooker, but a heavy storm delayed the movement; and on the night of the 5th Hooker, too, retreated across the river at United States Ford, and escaped. The Federal losses were about 12,216 on the field and 5,000 prisoners, while 19,500 stacks of arms and a large supply of ammunition fell into Lee's hands.

The Confederate loss was, killed 1,581, wounded 8,700. The North Carolina loss was, killed 557, wounded 2,394. Lee had 124 regiments of which 24 were North Carolina troops. While the State had one-fifth of the army, her loss was about one-third.

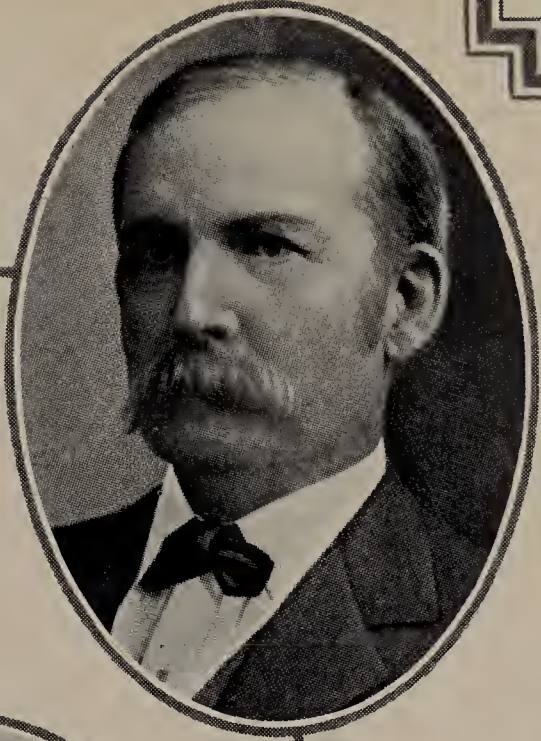
Hill, 166

The loss of the Thirty-seventh North Carolina was 227; that of the Second was 214; the Thirteenth, 209; the Third, 179. These four were the greatest losses suffered: following them, the Twenty-second, 169; the Seventh, 164; the Fourth, 155, while the Fiftieth Virginia lost 170 and the Fourth Virginia, 163. Among the killed were Colonel Purdie and Colonel McDowell, Lieutenant Colonels Cole, I. L. Hill and Major Odell. Among the wounded were Generals Hoke and Ramseur and Colonels Garrett,

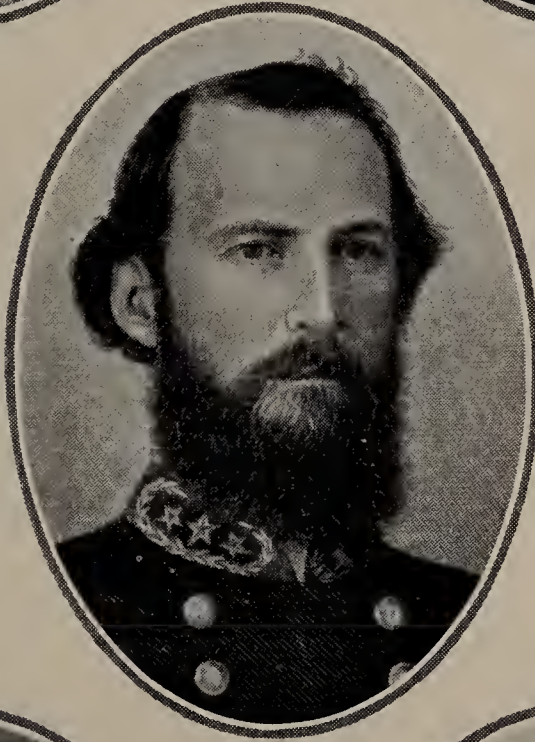




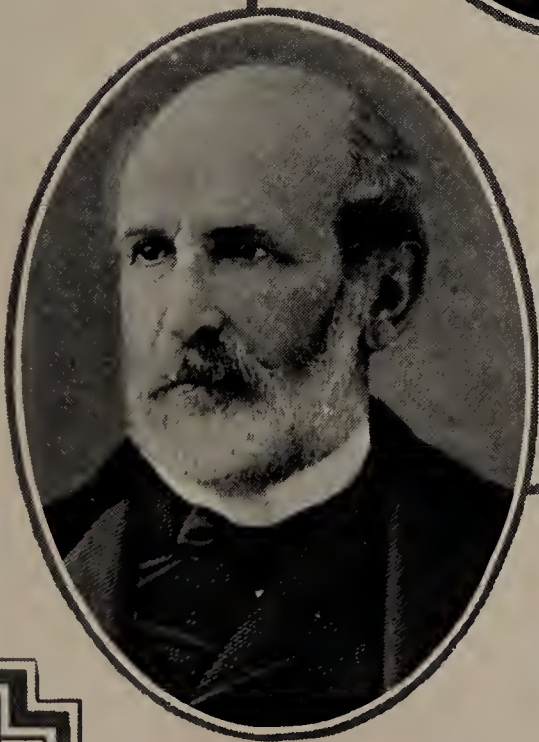
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2



3



4



5

1. Lawrence O'B. Branch

4. Matthew W. Ransom

3. Bryan Grimes

2. William R. Cox

5. Alfred Moore Scales





Toon, Cox, Scales, Barbour, Avery, Haywood, Lieutenant Colonels Lea, Cowan, Speer, Forney, George, Ashcraft Majors McLauchlin, Morris, Davidson and Mahew, and Adjutant Smedes. Both General A. P. Hill and General Pender were slightly wounded.

Branch's and Pender's brigades were in A. P. Hill's Light Division. After Sharpsburg, where Branch was killed, General Hill, in a general order, said, "No man can say that the Light Division was ever taken. You held the left at Manassas against overwhelming numbers and saved the army. You saved the day at Sharpsburg, and at Shepherdstown you were selected to face such a storm of round shot, shell and grape as I never saw before." On returning to his brigade, his wound so permitting, after Chancellorsville, Pender said in general orders, "Troops could not have fought better or more gallantly, as evidenced by your loss, greater than that of any other brigade in the army in proportion to the numbers engaged. I am proud to say your services are known and appreciated by those higher in command than myself."

The Light  
Division

After Chancellorsville Gen. A. P. Hill was promoted, and General Pender was then promoted and given a division, and Col. A. M. Scales as Brigadier succeeded Pender in command of that brigade. Lane had succeeded the lamented Branch.

Pender,  
Scales and  
Lane

### The Assembly meets

In March, 1863, the Confederate Congress passed a currency law designed to fund all previous issues of Confederate currency that had now become redundant, and was much below par as compared with specie; and provided for a more limited issue of new currency. Probably to facilitate the designed operation of the act, the Virginia Assembly passed an act forbidding that the old currency should be received in payment of taxes. Treasurer Worth called the matter to the attention of the Governor, saying that he was at a loss to know what was best to be done: that to reject the currency, "would seem to savor of bad faith, and



would be offensive to the taxpayers, and do more hurt than good."

Vance's  
message

Mr. Worth had been a most efficient and admirable treasurer, and in view of his communication Governor Vance convened the General Assembly on June 30, 1863, and submitted the subject to it for determination. In his message he also directed attention to the circumstances that President Davis had called on the State for 7,000 militia, and it was essential to revise the militia law to facilitate their equipment with all possible speed. He closed his brief message as follows:

Harvests  
good

"Permit me to thank you for your prompt assemblage at my call, and to congratulate you upon the improved condition of our affairs, State and National. Since your adjournment our gallant armies have again won great victories, and driven back with slaughter and confusion the vast forces of the enemy. The danger of suffering for the lack of food has happily passed away, and the goodness and mercy of God has visited us with a harvest almost unparalleled, while the growing crops everywhere promise equal bounteousness. Let us gather fresh courage from these divine blessings, and struggle with renewed strength for the honor and independence of the country."

The con-  
scripts

For the year ending June 16, 1863, 11,874 conscripts had passed through the conscript camp, and between 3,000 and 4,000 volunteers had joined the Army. Of substitutes, 2,040 had been furnished. The exemptions allowed in the State aggregated 21,588. Of these 7,868 were men suffering from some disability, 2,346 were militia officers, and 407 magistrates. Millers aggregated 740; 196 were non-combatants; 627 were engaged in making salt; 156 were preachers; 264 physicians; 117 were factory employees; 139 teachers; there were 651 shoemakers, 558 blacksmiths, and 53 railroad men. N. B. Cobb reported that he had collected \$20,000 for religious reading for the soldiers.

The  
exempts

### New situation

The Raleigh *Standard* on June 23 had urged a convention of all the states to secure peace by reconstruction of the terms—a peaceable separation.

President Lincoln called for a draft of 300,000 men, and President Davis called out the older conscripts. The Fayetteville *Observer* that had been in sympathy with Holden, now came out commending President Davis's call for the older conscripts. Mr. Hale declared: "Lincoln's force must be met if it requires every boy and man in the Confederacy. It is a hard duty, but it is a duty. It is idle to talk of peace until the North shows a willingness to have peace. We repeat that it is idle to talk of peace."

There were evidences of dissatisfaction in Georgia, North Carolina and perhaps elsewhere. At the North likewise the people were dividing. There even the high bounties offered failed to bring men into the ranks, and the Federal Government had to resort to a draft. "The enforcement of the draft act caused a fearful riot in New York City. It raged for four days, and during a part of that time the city was in possession of a mob, which committed horrible atrocities. Wherever a negro was seen he was beaten to death, hanged or mutilated. The Colored Orphan Asylum was set on fire, and Colonel O'Brien, of the militia, was murdered and his body dragged through the streets. Governor Seymour declared martial law on the 14th, but it was not until the 16th, after the government had sent a large military force to the city, that order was restored. Many hundred people were killed during those four dreadful days. Similar outbreaks in Boston and in Portsmouth, N. H., were suppressed by the military, and the drafts were enforced everywhere."

Ellis, IV,  
1085

Riots at the  
North

#### A Federal raid in Duplin

On July 5, a column of Federals about 1,000 strong reached Kenansville, burnt the Froeleck sword factory there, and committed other depredations. A detachment of 800 cavalry reached Warsaw the next morning, cut the telegraph wires, burnt the depot containing about 20,000 pounds of government bacon, and tore up a mile or more of the track; but the promptness with which the Confederate troops turned to the scene led to their hasty retirement. They carried from the county about 200 rifles, took the stores, throwing



The excitement

the contents to the negroes, but retained for themselves such money and jewelry as they could find. In this manner they visited Hallsville. The raid was made in haste and the retreat was rapid. The advance on Warsaw, the rapidity of the movement and wild rumors that the force was composed of 4,000 cavalry, caused some consternation. A meeting was at once held at Clinton and the citizens organized for defense. At Goldsboro like action was taken, the people being addressed by Senator Dortch and others. At Raleigh, the citizens were assembled and addresses made by Governor Vance and Governor Thomas Bragg, and they were organized for defense, and the force in the conscript camp was equipped ready for an engagement and preparations were made to resist the invasion. General Martin, whose administration of the office of Adjutant General had received such warm commendations, was in command at Kinston. But now there was a concurrence of opinion that he was inefficient in the field and lacked energy.

On May 1, by general orders of General Palmer, the lines around Washington were declared closed and no ingress or egress was permitted; no trade with persons beyond the lines. Persons who had taken the oath of allegiance were warned against holding any communications with outsiders. A newspaper called the *New Era* was published by a private of the Third New York Cavalry.

Williamston  
burned

Early in July General Martin telegraphed from Plymouth that the enemy were advancing up the Roanoke with 6,000 infantry, 3,000 cavalry, six pieces of artillery and three gunboats. They burnt Williamston, and were on their way to Tarboro—the people were fleeing from Tarboro.

On the  
Cape Fear

Under the plans and supervision of General Whiting, the fort at Old Brunswick, called Fort Anderson, had made much headway by July, 1863. At Smithville Major Hedrick had erected powerful works called Fort Branch. Fort Caswell had been so altered as not to be recognized. All of the brick and scarps had been sodded over and no brick was visible. It was the same with the iron casemates. At Fort Fisher in addition to the mound, and the fort itself, long lines of batteries commanded the inlet.

Gen. D. H. Hill had been transferred to the command of the Richmond District, and now in the middle of July, 1863, was appointed a Lieutenant General and assigned to duty at the West, and General Whiting was promoted to be Major General and given the command of the State of North Carolina.

Hill promoted

Whiting in command of North Carolina

### Gettysburg, July

After the battle of Chancellorsville General Lee deemed it wise to transfer the scene of operations farther north, hoping for beneficial results from a victory at Gettysburg, if it could be accomplished. The army was reorganized, with three corps, under Longstreet, Ewell and A. P. Hill. Lee planned an advance into Pennsylvania and directed Stuart to proceed on his right, between him and the Federal Army. The movement was begun towards the end of June, and just then Hooker was displaced from the command, and General Meade succeeded him. Lee advanced Early to the North, and occupied Chambersburg, Carlisle and York, each about twenty-five miles from Gettysburg. For several days he had no news from Stuart of the movement of Meade's forces; but on hearing, otherwise, that Meade was moving north, on the 30th the Confederate Corps were put in motion to concentrate at Gettysburg. On the morning of July 1, A. P. Hill advanced Heth's Division and his old "Light Division," now under command of Major General Pender, to develop a Federal force found to be at Gettysburg, and, meeting with strong resistance, he asked for reinforcements. General Ewell's Corps arrived during the day; Rhodes's Division arrived first, including Iverson's North Carolina Brigade and Daniel's, Ramseur's and Hoke's under Colonel Avery; while in Hill's Division was Pettigrew's Brigade, and under Pender were Lane and Scales. In Davis's Brigade was the Fifty-fifth North Carolina Regiment under Colonel Connally. Of the sixteen brigades engaged that day, seven were North Carolina brigades. While Iverson's Brigade suffered especially, all fought desperately and made heavy losses. But the Confederates inflicted still

June 30

The first day

Seven North Carolina brigades



greater losses on the Federals and gained a substantial victory.

By some mischance Iverson was thrown single-handed against a division of the enemy behind a rock wall in a railroad cut, where, without faltering, it charged almost to the very wall. Its dead were so thick and in so exact a line that one could have walked from one end of the line to the other and never taken foot off of dead men. Five hundred and ten were killed or wounded and 308 of the brigade were captured. Two hundred of the Twentieth Regiment were captured with the colors, but the intrepid Capt. A. H. Galloway of the Fifty-fifth recaptured the flag and a number of the men.

On the next morning the conflict was renewed, but it was not until the afternoon that any North Carolina brigades were engaged, although the batteries of Manly, Reiley, Latham and Joe Graham were in the thick of the battle.

In the afternoon the First and Third North Carolina Regiments were in the assault on Culp's Hill, Lieut. Col. Green Martin, of the First, was the first to enter the Federal works, but fell mortally wounded. The Confederates held that advanced position that night, repulsing every attack, Daniel's Brigade coming up as a reinforcement. At the same time Cemetery Hill was assaulted by the brigades of Hays and Hoke, the latter being under Col. I. E. Avery. These moved through the ravine between Culp's Hill and Cemetery Hill, and then to the assault. This was one of the most daring and stubborn conflicts of the war. Here Avery fell. After falling from his horse he wrote in indistinct characters, "Tell my father I fell with my face to the enemy." The brigade moved forward and reached the heights it was attacking.

Here also Gen. A. M. Scales, Col. W. F. Hoke, and others were wounded.

### Death of Pender

On the second day Pender's Division was on the western front. "General Pender and his adjutant general, Major Engelhard, came to where I was just between my regi-

ment the——North Carolina, on his left, and dismounted. We three reclined on a large granite boulder, were pleasantly conversing and passing jokes, when all the artillery on Cemetery Hill at once opened fire on our lines. Shells and fragments of shells filled the air, and with their peculiar whistle it seemed as if pandemonium had turned loose. Pender, in the most quiet manner, raised up and said: 'Major, this indicates an assault on our lines and we will ride to the center of our division.' They rode off, and before General Pender reached half the distance to the center of his division, he received a fragment of a shell in his leg which caused his death. He died on July 18th, at Staunton, Virginia. He was a noble Christian soldier." Not only that, he was equal to every duty. Of him General Lee said: "The confidence and admiration inspired by his courage and capacity as an officer were only equaled by the esteem and respect entertained by all with whom he was associated for the noble qualities of his modest and unassuming character."

The day ended and every hour's delay had been a godsend to Meade, whose divisions were hurrying up to the field, and occupied strong positions as they arrived. The battle was, these first two days, on the northern front, and the Federals had been forced to retire from position to position, but always holding some eminence difficult to carry.

### Cemetery Ridge

Lee now determined to make a final effort by assailing the western front in the early morning of the 3d, and, contemporaneously, to attack the Federal right and center. Orders were given to that end. Longstreet was to make the principal assault on the Federal western front on Cemetery Ridge, but he delayed doing so. In the column to make the attack were forty-seven regiments, fifteen being from Virginia, being in Pickett's Division, on the right; fifteen North Carolina regiments, on the left, and four Virginia regiments, three Tennessee, seven Alabama, three Mississippi, also on the left. The 115 Confederate cannon and 80 Federal guns opened a terrific cannonade, and it

The third  
day

The column

Fifteen  
North Caro-  
lina regi-  
ments



was only when the Confederate ammunition was about exhausted that the order to advance was given. The position to be carried turned rearwards in front of the North Carolinians under Pettigrew, and the field there was enfiladed by numerous Federal cannon. Pickett, on the right, not being subjected to such a fire was more favored. Both right and left passed over the wide expanse that lay between the lines, and reached a stone wall held by a strong Federal line. But while the Federal troops at the wall were driven back, other bodies closed in on the assailants on either flank, and the attack failed. A Federal column getting well to the rear of Pickett's Division, that fine organization was nearly destroyed; but few escaped capture. It lost 1,438 killed and wounded, and 1,499 prisoners. Pettigrew's and Trimble's commands on the left lost 1,263 killed and wounded and 761 missing. Pettigrew's Brigade lost over 300 killed and wounded in this charge, and 1,105 on the first day, making its loss in killed and wounded at Gettysburg quite equal to the losses of Pickett's three brigades, and about three times as much as any Virginia brigade. The loss in casualties sustained at Gettysburg by the Twenty-sixth North Carolina was, indeed, the heaviest suffered by any regiment during the entire war. Not only was Pettigrew himself wounded but four of his staff were either killed or wounded; and there fell Harry K. Burgwyn, the pride of his regiment—noble, lion-hearted, efficient; "the daring, experienced, and able Col. D. H. Christie, the accomplished J. K. Marshall, the brave colonel of the Fifty-second; Lieut. Col. M. T. Smith, the Christian soldier of the Fifty-fifth; Lieut. Col. H. L. Andrews, whose splendid leadership had encouraged the Twentieth Battalion to fight so grimly and lose so terribly, and Maj. E. A. Ross, who justly earned his reputation as being "a hard fighter."

Clark, II,  
301

Among the wounded were Colonel J. K. Connally, C. Leventhorpe, Thomas S. Kenan, S. D. Lowe, F. M. Parker, and R. T. Bennett; Lieutenant Colonels J. R. Lane, S. H. Boyd, R. D. Johnston, M. A. Parks, and W. J. Green; Majors A. H. Belo, J. R. Winston, J. M. Hancock, H. G. Lewis, D. W. Hurtt and C. C. Blacknall. Captains and

lieutenants were killed and wounded in great numbers, every company suffering severely.

The instances of individual heroism on the part of the North Carolina soldiers in this battle make a roll of honor that of itself is a crown of glory to the State. Hill, 193-4

North Carolinians advanced further on that field than any other troops, according to the official map of the battlefield, and Pettigrew's charge has brought to the State imperishable glory and renown.

Lee had one of the finest armies he had ever commanded, an aggregate force of 65,000, composed of 52,000 infantry, 9,000 cavalry and 250 pieces of artillery—all well drilled and efficient. It justified him in believing that he could successfully cope with the Federal Army under any ordinary circumstances and conditions. It happened, however, that his cavalry was absent. Had he had early intelligence of Meade's movements and had himself taken possession of the heights of Gettysburg, Meade's army could not have dispossessed him. It was one of the misfortunes of war that Stuart failed to give him intelligence; and also that Longstreet delayed making the attack on the morning of the third.

General Meade, whose army had suffered very heavily in general officers, made no attack on the Confederate Army, and Lee withdrew into Virginia. On the night of the 6th the Federal Cavalry attacked the Confederate wagon trains but were driven off by Imboden's Cavalry and Colonel Murchison's Forty-fourth North Carolina Infantry and the Thirty-first Virginia. At Hagerstown, also, the Federal Cavalry fell in with Stuart's Cavalry and a portion of Iversen's Brigade. In the engagement, the First, Second, Fourth and Fifth North Carolina Cavalry participated with credit; and on the 8th, at Boonsboro, there was another slight encounter; as well as at Funkton on the 16th, in which Manly's Battery was engaged nearly all the day.

Lee with  
draws

On the morning of the 14th of July, when the army crossed at Falling Waters, Pettigrew's Brigade was of the rear guard, and was within two miles of the Potomac. General Heth, in command, was present. A cavalry force appeared in their rear, which was being watched. Just then



Death of  
Pettigrew

Clark, IV,  
560

a small cavalry force came up from the river side. They were mistaken by General Heth for Confederates. They were quickly dispersed, but in the encounter one of them fired a shot that was fatal to Pettigrew. Thus passed away one of the most brilliant men of his generation, who, gifted with military genius, would, like Pender, have been equal to any command that might have devolved on him.

### After Gettysburg

Death of  
Ruffin

After Lee and Meade had confronted each other on the return from Gettysburg, there were several strategic moves on either side, but Meade did not bring on a battle—even-  
tually retiring behind fortifications that were unassailable. There were several encounters by the cavalry. On September 22, the First North Carolina being dismounted as skirmishers, under Major Cheek, Capt. A. B. Andrews was severely wounded, and Colonel Ferebee charged and drove the enemy off. On October 11, Colonel Ferebee was wounded; on the 13th, Col. Thomas Ruffin of Goldsboro, distinguished as a member of Congress prior to the war and as a soldier, “a model of worth, devotion, and heroism,” lost his life, while General Gordon and Maj. Rufus Barringer were both wounded.

### Bristow Station

Hall's  
charge

On the 4th of October, as Meade was retreating, A. P. Hill struck two divisions with Cooke's and Kirkland's brigades, under great disadvantages, at Bristow Station. General Cooke and Col. John A. Gilmer, Jr., were wounded at the first firing. Col. Ed. D. Hall, succeeding to the command of the brigade, ordered a charge. Cooke lost 526 men in this action, that lasted only about forty minutes. Hall's Regiment lost 204 out of 426. Col. William MacRae, with his usual sagacity, avoided such slaughter in his regiment, ordering it to fall back by companies and firing rapidly into the enemy. Kirkland's Brigade did not suffer so greatly. General Kirkland himself, however, and Colonel Martin were wounded. Their loss was only 270. The total North Carolina loss was 912.

On the 7th of November a great misfortune befell Hoke's Brigade, composed of the Sixth, Twenty-first, Fifty-fourth and Fifty-seventh—the Twenty-first being then on detached service in North Carolina. General Hoke, being still absent, wounded, Colonel Gordon was in command. They had gone into winter quarters at Culpeper. Detachments were engaged in tearing up the railroad, the iron being much needed in the Confederacy. To facilitate that work a pontoon bridge was kept where the railroad crossed the Rappahannock. On the north side were some earthworks covering this bridge, occupied by Hays's Louisiana Brigade. On the 7th of November, General Sedgwick advanced, threatening Hays, and Hoke's Brigade was dispatched to reinforce the Louisianians. Crossing, it was decided to occupy some trenches five hundred yards off. It had hardly reached the trenches before a heavy column, in three lines, moved on Hays, overpowered the Louisianians and captured the works overlooking the bridge. Hoke's Brigade was entirely cut off from retreat. While the Federals at the front were kept at bay by the Fifty-fourth Regiment, the Sixth and Fifty-seventh attacked the enemy at the bridge head. A portion of the Federals were dislodged, but they succeeded in holding the works commanding the bridge. The struggle lasted till nightfall, when Sedgwick moved forward a large body of troops that completely enveloped the brigade, save where the deep waters of the Rappahannock held them in, the river being dammed at that point.

Culpeper

The situation

Great disaster of the Brigade

As it was getting dark, a few tried to run the gantlet across the bridge, and others plunged in and swam the river. Many who tried to run the bridge were pierced by balls and fell headlong into the river.

The Federals were so intent on forcing the men into the horseshoe bend, however, that a considerable number, after throwing down their arms, and being ordered to the rear, on going back and finding the bridge was not guarded, stepped across to the south side. After the disaster there was thus a remnant of each regiment left, a mere skeleton. Later Maj. James A. Craige gradually gathered together such men as remained of the Fifty-seventh, and conscripts



were sent to fill the ranks. The Sixth likewise remained in the army of Northern Virginia and was recruited there. While the remnant of the Fifty-fourth, of which only three officers escaped, Lieutenants Edward Smith, Fitzgerald and J. Marshall Williams, was sent to Kinston, where its ranks were refilled by conscripts.

### **Battery Wagner**

Clingman's  
Brigade

General Clingman's Brigade, in March, 1863, occupied James Island, near Charleston. It was at Savannah when Fort Pulaski fell, then returned to Wilmington; but in July was again ordered to Charleston. The Federals had made a lodgment on the lower end of Morris Island. General Clingman urged that they be driven off, and offered to take his brigade and do it, but he was overruled. His brigade was now called on to do duty as regiments, and one regiment was placed at Battery Wagner. The Federals having established rifle pits about three-quarters of a mile away, on the night of July 15 a detachment was sent out composed in part of some men from the Fifty-first North Carolina and surprised the Federals. Between thirty and forty were killed, and a number were captured. Indeed, Clingman's Brigade lost almost one-half of all lost at Morris Island. During that long and continuous bombardment, the garrison had to be changed every third night, and one of Clingman's regiments was always of the garrison, he himself at times being in command of the fort. The ordeal was terrific, but at length in September the post was evacuated.

Hundreds of incidents occurred illustrative of the splendid heroism and devotion of the North Carolina troops during those trying days. One must suffice. On the 29th. of July the Federals got the range of the only ten-inch columbiad that remained mounted, and the fire was so furious that the artillerists abandoned the gun and sought shelter. "Robert Winthrop Stedman, a private in Company B, Sixty-first North Carolina Regiment went forward, loaded, sighted and fired the abandoned gun, hitting the vessel at which it was aimed, while a hundred balls were whistling

around him. There was no braver soldier among the hosts of the Confederate Army than Winthrop Stedman. God bless his memory.”

Clark, III,  
511

#### Near Richmond

Robert Ransom's Division, including Jenkins's and Cooke's brigades, and the Ransom Brigade, now under Gen. M. W. Ransom, were in the Department of Richmond, where they had several encounters with the enemy. On the 26th of June, Col. Tazewell Hargrove, of the Forty-fourth Regiment, held the bridge over the South Anna, but eventually he was captured there after a gallant fight. Another Federal expedition to destroy the bridge on the South Anna was encountered by Cooke's Brigade, and was handsomely repulsed.

July, 1863

While the battle of Gettysburg was in progress Gen. D. H. Hill, with Ransom's Division, moved to meet a column that advanced from Williamsburg, but retired.

Towards the end of July a Federal force, consisting of a brigade of cavalry and nine pieces of artillery, with a heavy supporting column of infantry, advanced from Wilton to take Weldon and destroy the bridge there. Ransom's Brigade was hurried to Garysburg. The Thirty-fifth Regiment arrived on the mail train during the night of the 27th, the General following on an engine. He found a section of two guns at Garysburg and ordered them to Boone's Mills where four companies of the Twenty-fourth had preceded. General Ransom reached the bridge, and finding the enemy approaching in haste, had the planks removed. The Federal Artillery was brought up, and for an hour there was a sharp engagement, when the two guns from Garysburg arrived and the fire became hot. The engagement lasted five hours, when Colonel Spears, the Federal commander, finding that he had not surprised the Confederates, withdrew.

Boone's  
Mills

The Fiftieth Regiment in June, 1863, was attached to Martin's Brigade and was stationed at Greenville; but in July Martin withdrew it to Kinston. Taking advantage of the open road thus left him, on the 18th of July General



Raid on  
Rocky  
Mount

Devastation

Clark, III,  
173

Ibid., 175

Potter started on a raid from New Bern to burn the bridge at Rocky Mount. He had the Third New York Cavalry and negro troops. Proceeding rapidly, they reached Greenville, Tarboro and Rocky Mount. They burnt all the bridges, including the railroad bridge, and Battle's important cotton factory, the machine shops, engines, cars, flour mills, the gunboat in progress of construction at Tarboro; two steamboats and eight hundred bales of cotton. It was really a great accomplishment. Large numbers of negroes, with plantation horses and vehicles, joined the Federal detachment. General Martin dispatched the Fiftieth and a portion of Whitford's Battalion to intercept them on their return, and several hundred negroes were cut off; but Potter made good his return to New Bern, although the Fiftieth Regiment marched forty-eight miles on July 22, in that hot region.

## CHAPTER LII

### VANCE BREAKS WITH HOLDEN

Holden's complaints.—He urges peace.—The peace meetings.—Vance visits Richmond.—He sustains the Confederate government.—Worth's activities.—The North's demand.—Northern impression as to North Carolina.—Editor Hale appeals to Holden.—The army convention.—The State press.—Holden's stand.—Vance issues a proclamation.—A Georgia regiment devastates Holden's office.—A mob destroys the *State Journal*.—The Alabama brigade.—Vance's activities.—The congressional election.—The Conservatives carry the State.—The Assembly.—Vance urges full and complete independence.—His activities.

In view, perhaps, of the election for members of Congress that would take place in the fall, Holden, ever astute, early June, 1863 began his campaign for the overthrow of the Destructives. He had carried the State for the Legislature and had, measurably, control of State affairs; and now he proposed to triumph further over his enemies and elect Conservatives to Congress. To accomplish this it was necessary to undermine the administration in the affections of the people, and he lost no opportunity to present the Jeff Davis government in the most odious light possible. The *Standard* now became a campaign publication devoted to the purpose of turning the voters against the government. As Holden progressed in his course under new conditions and circumstances, he may have conceived new ideas not originally entertained, but he did not publicly avow them.

On June 3 he drew up his bill of indictment against the Jeff Davis government: "North Carolina is badly treated. Holden's  
complaint She is ignored. She has no voice in the Cabinet. She is raked for conscripts as with a fine-tooth comb. Her troops are always placed in the forefront of the hottest battles. Her sick and wounded are scattered through every hospital in Richmond, and are treated by physicians appointed from other states. A large portion of her people are suspected of being disloyal. The people of North Carolina are long suffering; but Mr. Davis would do well to bear in mind that



it is the last straw that breaks the camel's back." Declaring that the administration ostracised the Conservatives, he announced: "If partyism shall take the place of patriotism, the cry of this State will be: 'To your tents, O Israel.' North Carolina must be the equal of the other states of the Confederacy, or she will leave it, and endeavor to take care of herself."

In such wise Holden sought to stir the people's indignation and to turn them away from support of the administration. Every possible pretext was used to give point to his argument.

Holden cries  
for peace

The Confederate States had not established a Supreme Court, so that the decisions of the State Supreme Court on Constitutional questions could not be reviewed. Judge Pearson's decision on habeas corpus cases, and on conscript cases brought about conflicts with the Confederate authorities. These were dwelt on very adroitly—together with every unpopular feature of the laws passed by Congress. Military tyranny and oppression and the destruction of civil liberty were the watchwords, and the people were inflamed against the government. The fall of Vicksburg and the failure of Lee at Gettysburg may have turned Holden's thoughts to the subject of peace as an aid to the consummation of his purposes.

"Peace! When shall we have peace?" he asked. "The government will not make peace. It is for the people to make peace. . . . Unless the people of the two sections rise up and demand that mental and moral means shall be resorted to to close the war, the war may be prolonged indefinitely." The suggestion was that the people hold meetings demanding peace. And he declared that "these views do not separate us from Governor Vance."

About the same time one Major Bradford, a disabled Virginia officer, was assigned to duty to supervise the collection of the tax in kind. Designating him as "the tithing man," this appointment was denounced as a flagrant and odious oppression of the people and an insult to North Carolina. "Appoint a Virginian to collect taxes in North Carolina! . . . People of North Carolina, if you have

any nature in you, bear it not. . . . Assemble together and demand the removal of this Virginian." And on July 29, the *Standard* urged the people "to cast about and see if negotiations could not be set on foot for an honorable peace." To sustain this new declaration, Holden further declared: "Governor Vance and the editor of the *Standard* are still on friendly terms, personally and politically, and we see no reason why we should not remain so."

*Standard*,  
July 7

This declaration was in line with Holden's practice of so mentioning the names of certain men that the charge was made that he used Vance, Governor Graham, Bedford Brown and other gentlemen as a screen and cover for himself.

For decades Holden had had a strong personal and political following in Wake County, and the animosity that had attended the bitter controversies between him and John Spelman, editor of the *State Journal* at Raleigh, who supported the administration, had extended to his lieutenants. They acted on his slightest suggestions. Four meetings denouncing the Confederate Administration and demanding the removal of "the tithing man," and calling for a general peace convention, were at once held in Wake. Another was held in Greene County; and then other counties followed. In some counties two or more were held—the *Standard* claiming a hundred meetings in thirty counties, chiefly in the center and west. The resolutions were all substantially the same. They were responsive to the *Standard's* suggestion, and endorsed the *Standard*.

The peace  
meetings

The newspapers of the State generally disapproved of the *Standard's* course, most of the Conservative editors withdrawing from his support and the administration papers denouncing him as a traitor. But he was not without friends of influence. Nearly all of the men in office at the State House stood with him.

Governor Vance and the Surgeon General had been to Richmond to visit the North Carolina hospitals there, and had met with a very cordial reception by Mr. Davis and others. Doubtless it was on Vance's suggestion that Major Bradford, who was a disabled officer, was otherwise em-

August 2



ployed, and the position was offered to Maj. John Devereux, who, however, declined it.

Vance does  
not approve

1863

Vance returned in the midst of the excitement incident to Holden's new departure, and he withheld his approval. Although he would not condemn public meetings that merely gave expression to peace sentiments, he was for sustaining the Confederate government. His attitude, after his return from Richmond, led to a miserable canard that he was assured that he should either "succeed Jeff Davis as President" or "be chosen Vice-President." And this false report was communicated to the Federals at New Bern, and was republished in the *Standard*, ostensibly for the purpose of denying it, but really to give it currency, perhaps with a view of undermining Vance's influence.

Worth

Among those who sustained the *Standard* was the Treasurer, Mr. Worth, a man of decided influence in the central counties. On July 13, Worth wrote to Josiah Turner: "Those who were in the beginning most ultra in their opposition to the party, justly denominated Destructives, are now the most popular all over the State; and as you were their most determined opponent, I am persuaded now you would get a larger vote than any other man in the district for a seat in Congress. If you will consent to be a candidate, I will do what I can for you among my friends." Turner accepted the suggestion, and later entered in the canvass. Ten days later, the Treasurer wrote to Mr. Hinchshaw at Salem: "Holden's bold position in favor of peace is hailed with joy by many, while his political opponents vociferously demand the suppression of his paper. . . . His position exposes him to great danger in these lawless times. If we are ever to have peace, somebody must break the storm of Secession hate, and the people must sustain the leader who exposes himself to personal peril. As money is no object now, can't you send in two hundred new subscribers from Randolph? Every one desiring peace can contribute something to this end by encouraging and sustaining the only paper which dared advocate it on a plan offering any hope of success. I still abhor, as I always did, this accursed war, and the wicked men, North and South,

who inaugurated it. The whole country at the North and the South is a great military despotism."

A week later, Worth wrote to Mr. Foster at Thomasville: "Great despondency is open in every thoughtful man's face hereabouts. Holden's peace articles take with nearly all classes in this region. The government and most of the prominent Secessionists differ from him. Who is to be your candidate for Congress? From what I hear lately, Mr. Ashe will not run well. I have no doubt you can be elected if you desire to be."

On August 3, he wrote: "The masses, North and South, begin to feel that they have been gaffed and put in the ring to kill each other long enough to carry out the purposes of the devilish political gamblers who put them there. The war can't last much longer. The "last dollar and last man"—men abuse Holden's peace articles, but the fact that he has the largest and most rapidly increasing circulation of any journal in the State indicates the current of public opinion." Again: "I think the torrent is irresistible. . . . The result of the election as to Governor and the Legislature was the beginning of a counter-revolution, and showed the keen sagacity of Holden as to the real sentiments of the people. Holden believed the masses were for reconstruction, and, while he disavows it as yet, is slowly shaping his sails for this current. It is not yet formed, but he believes the elements are pent up, and that the gale in this direction will soon set in and blow a tempest. He will be ready to ride on the storm. I am far from feeling any hostility to Holden, but in great doubt whether the plans he is shadowing out are the best or not. I have written this long letter because I fear that you are too freely indulging in too bitter epithets against Holden. Abuse of Holden and those who take his paper, in my opinion, will only be adding fuel to the flame which you wish to extinguish, and at the same time exposing you to worse than useless personal danger."

Worth, 254

Again, on August 13: "The political elements are in bad fix in this State. The masses are for peace on *any terms*. Holden knows this, and his paper takes like wild fire. The Governor stands firm by the position taken by him in his



inauguration; the split is unfortunate. There is no nobler spirit in North Carolina than Governor Vance, but the masses are determined the war shall cease. As soon as this spirit extends from the people to the Army the end will come. I believe there is no virtue in the ruling powers, North and South, and don't feel like fighting in such a contest."

Worth, 254

The demand  
of the North

By a constant and strenuous campaign Holden and his coadjutors, some men whose names carried much weight, had, by denouncing the former Democrats as Destructives, and by magnifying every mole hill into a mountain of oppression and odious tyranny, succeeded in turning many people against the Confederate government. But while in every heart there was a longing for peace, this natural longing, universally felt, was misinterpreted by such men as Worth and Holden and others, who personally were rancorous against the Old Democrats. On the Conservative platform of "the last man and the last dollar" they had succeeded at the August election of 1862; and, as Worth said in August, 1863—the Governor and the Legislature stood pretty square on the Conservative platform, "the last man and the last dollar." But now the *Standard* and men, who, like Worth, contributed to enlarge its circulation (and doubtless there were many engaged in the propaganda), undertook to lead the people into an effort to attain peace through measures that offered no hope of success except by abandoning their platform. This Vance would not do. The Federal government had declined every overture. It was resolved to conquer the South into submission. There was no alternative. Even Seward—who himself had been a slaveholder and who rated the negro reasonably and had no sentimental attachment for the race, and who had honestly sought to avoid the fratricidal war that Lincoln and his malignant advisers so wantonly inaugurated—even Seward was brought at length to the declaration, made in his Auburn speech, "So long as they propose no surrender, they are entitled to ask no terms." Thad Stevens and Lincoln and Stanton made the platform: "Surrender; no terms; submit to the conqueror."

Holden's proposition was for the people of this State to appeal to the people of the North to stop the war and make peace, as the governments would not do so. Those who wished independence saw in that proposition only a stimulant to the Federal government to persist. It was regarded by the North as a sure sign that North Carolina was ready to yield.

Aug., 1863

In fact, Andrew Johnson, the Military Governor of Tennessee, himself a Raleigh boy, whose career and political activities had been entirely on a line with Holden's until Secession, advised the Federal War Department in September that he "had some communications from North Carolina, and especially from Holden, and the people of the whole State, and particularly of the western portion, are true to the Union and will seize the first opportunity to free themselves from the Confederate government." And Holden claimed that "two-thirds of the people and two-thirds of the soldiers approved the course of the *Standard*," and declared, "We cannot have peace by the governments; it must be by the people."

Official  
Records,  
No. 50, 183

The course of the *Standard* was not approved by Vance and many other Conservative leaders. Governor Graham unavailingly appealed to Holden to forbear; and Mr. Hale, in the *Fayetteville Observer*, August 17, made a strong appeal of the same tenor. "The *Standard* has very recently denied with emphasis that it favors a reconstruction of the Union. What it said on the 20th of May, 1861, it still wisely holds to: that North Carolina then 'acted finally and wisely.' But some of its friends have gone beyond it on this question. Witness the treasonable resolution that disgraced the action of the meeting in Surry County, and which we were mortified to find in the *Standard* of the 11th instant. That resolution will do more for the Yankees than any army that they have can effect. The *Standard* may not possibly be aware of some of the influences that have led to and controlled some of these meetings. We have reason to believe that in at least one case a meeting was in great part composed of the immediate relatives and friends of a number of deserters who are prowling about in the woods in that neigh-

The Con-  
servative  
leadersHale's  
appeal



borhood, and that its main object was to countenance the dastardly conduct of those deserters.

"Again, we have heard that the prime movers of some of the meetings are men between forty and forty-five, who are thus muddying the waters for the purpose of devising some mode of screening themselves from obedience to their country's call. They held no peace meetings when younger neighbors were carried off to the Army; but are suddenly great peace men now that they themselves are called to the field. . . .

"Some may think it beneath their dignity to appeal to the *Standard*. We do not. We make an appeal, the most earnest we know how to frame, to discountenance those meetings; to discountenance their assaults upon our common administration and their worse than idle talk about peace, which the *Standard* knows they have no prospect of obtaining by such illegitimate and insufficient means. These meetings are powerless for good and only productive of ill blood at home, and of encouragement to our common enemy. So far as the Confederate administration is concerned, it is understood that North Carolina will have no further reason to complain; that the late conference between Governor Vance and the President led to the most cordial good feeling, producing results perfectly satisfactory to Governor Vance." Although the *Observer* "beseechingly" made this appeal, it fell on deaf ears. Instead of moderating his utterance, Holden now declared, "The authorities at Richmond seek to cause a breach between Governor Vance and the great body of his friends in North Carolina. . . . Conservatives of North Carolina, you are the special guardians, in this crisis, of constitutional liberty and the rights of the states. Stand like a rock. If you give way all will be lost. The next Congress will sweep away every vestige of civil liberty. We do not believe their machinations against Vance will succeed. We believe he will stand by his friends."

Holden's  
reply

### The Army Convention

County  
meetings

On July 24, a meeting of citizens was held in Sampson to appoint pickets and guards for defense, at which resolutions

were adopted supporting the Confederate government and Vance, and denouncing Holden's treason. 1863

Similar meetings were held in other counties. And meetings were held in every North Carolina regiment in the Army of Virginia denouncing Holden and appointing delegates to attend a general convention, which convened at Orange Court House, Virginia, on August 12, and issued an address to the people of the State, in which it was declared that "the faction was daily growing bolder in the expression of treasonable and mischievous sentiments, and, if persisted in, it would lead to civil war. . . . If errors in the conduct of our affairs have been committed, let us brush them from our memory or throw over them the mantle of charity." The Army acts August 12

The Convention considered each of the criticisms made of the administration and of the conduct of the war, and declared that they were not well founded. The people of Virginia had suffered much more than those of North Carolina, and the principle of the defense in carrying the North Carolina troops to the north threatening Washington, had relieved Eastern North Carolina from extensive invasion. President Davis had wisely sustained Lee, Johnston, Beauregard and other generals after they had been under a temporary cloud, and he had not, like President Lincoln, displaced generals because once defeated. Considering the evils that would result from the course of the factionists at home, the Convention said: "It is not impossible that these men should succeed in lighting the blaze of intestine civil war in our own State." It was a conciliatory and powerful presentation of the Confederate cause, and it was not without avail, for it checked faction among some who were giving Holden countenance.

The other regiments in North Carolina likewise took strong action; but Holden was unmoved. He met the declaration of the Army with a statement that "it was an affair of the officers only, and that the privates stood with the *Standard* in large majority." He declared that "the Army, as well as the people at home, was with him."



Holden dares  
the issue

In the meantime the State press had become very bitter against the *Standard*, especially the Raleigh administration papers, these declaring that the people ought to put a stop to Holden's proceedings. This but served to inflame him. Feeling secure in the support of those who surrounded him and of his many friends in Wake and the adjacent counties, he dared the issue, and replying, on August 19, he challenged such action. "We now give notice to John W. Syme and John Spelman and those leading Destructives here who associate with and endorse them, that we have friends who are specially prepared for them, and that if they or any of their minions dare to lift a finger against us, their bodies will soon adorn the trees and lampposts of Raleigh."

Holden's  
spirit

On Friday, hangman's day, August 28, the people of Charlotte hung Holden in effigy. He replied: "We solemnly warn those who may be meditating personal violence on account of political differences the first blow struck will lead to many blows." Thus he firmly and boldly announced that he had a party ready to take arms in his quarrel; and he gave point to his stand by declaring that "we fear that peace cannot be conquered by force of arms"; and he suggested a general convention of the people for peace.

Hamilton:  
Reconstruction,  
52, 53

The meetings Holden had planned had the effect of stimulating desertions, as well as dissatisfaction among the people. Soldiers left the Army at night in squads of a dozen together, carrying with them their arms. In the mountains, the deserters plundered and murdered at their own will. In many other sections, they were encouraged by the inhabitants, and the home guard was unable to cope with them. There were large numbers in Randolph, Catawba, Yadkin, Iredell and other counties, while in Wilkes five hundred were in a military organization under arms.

The desert-  
ers

On the other hand at Greensboro, on Saturday, September 5, an unusually large meeting was held, adopting highly patriotic resolutions, addressed by Rev. M. C. Schenck, Colonel Rodman, Hon. John Morehead and Ralph Gorrell.

Vance acts

The situation, indeed, was now becoming so critical that the Governor, on September 7, issued a proclamation, reciting that "a number of public meetings have been held in various portions of the State, in some of which threats have

been made of combined resistance to the execution of the laws of Congress." He proceeded: "I command all persons to renounce such evil intentions, and warn them to beware of the criminal and fatal consequences of carrying such threats into execution. Meet for lawful purposes, but abstain from assembling for unlawful purposes"; and he declared, "Resistance to the law is treason." He advised the people to resort to the ballot box. "It is my great desire, and I hope that of all good citizens, that our people should remain united, befall us what may. Should we triumph in the great struggle for independence let no feelings of revenge, no bitterness mar the rejoicing of that glorious day. Should we fail, and come short of that great object for which we have struggled so long and bled so freely, let not our strife and domestic feuds add to the bitterness of defeat. Let not our enemy rejoice to behold our strong arms and stronger devotion turned against ourselves.

"Instead of engaging in this unholy and unpatriotic strife and threatening to resist the laws of the land and endanger the peace of society, let us prepare diligently and with hopeful hearts for the hardships of the coming winter." But Holden, altogether bent on stirring up the people, persisted: "Let the people speak. It is refreshing to hear them."

The chief men of the State were at the front, and the Conservative leaders generally were quiescent, and he felt secure and that he was "riding the storm." But he misinterpreted the sentiment of the Army. In the Army there was rancorous hostility to his course: nor was this hostility confined to the North Carolina regiments. It was shared by others. On the night of September 9, a Georgia regiment was passing through Raleigh, and some of the men led by officers went to Holden's residence, on the north-western corner of Nash Square, but he eluded them and took refuge in the Governor's Mansion at the foot of Fayetteville Street. Failing to find Holden, the soldiers assembled at his printing office, on the lot adjoining his home, and threw the type into the street, and scattered some of the papers in the office. Vance, being notified, hurried to the scene and addressed the excited crowd, and after great exer-

Sept. 6

Georgia soldiers seek Holden



1863

tions, at some risk to himself, succeeded in quieting them and inducing them to desist; but they passed on to Fayetteville Street, searching for the office of the *Progress*, a paper in line with Holden that was in the second story of a building nearly opposite the market.

### State Journal destroyed

The *Standard* having long done the public printing had the largest equipment in the State and employed a considerable number of printers, and they were at one with their employer, while their livelihood was involved. And the mass of citizens were in sympathy in their indignation at this act of violence. At seven o'clock the next morning, the town bell of the little village rang to call the people together, and under the leadership of Mark Williams, one of Holden's personal followers, a crowd gathered at the market and, the Mayor and police not interfering, proceeded to destroy the printing shop of the *State Journal*, Spelman's paper, a few steps off, facing the market; and it would have reached that of Syme's paper also, but the crowd being greatly inflamed, young C. B. Edwards ran to the Governor's Mansion and told Vance of what was taking place. Vance immediately mounted a horse, standing in readiness, and galloped to the scene. By his urgent appeal he prevailed on them to desist. The Governor at once communicated by telegraph these proceedings to the President, who ordered that troops passing through should not enter the town. But on the afternoon of the 11th, despite this order, "a large number of infuriated soldiers from an Alabama brigade entered the village and spread terror in their path by threatening murder and conflagration." Vance rode with all speed to the depot to restrain them, and they threatened his life if he interfered with them. He advised the President "for sixty hours I have traveled up and down, making speeches alternately to citizens and soldiers, without rest or sleep, almost, engaged in the humiliating task of trying to defend the laws and peace of the State against our own bayonets." And he threatened by proclamation, "to recall the North Carolina

The Alabama  
brigade

troops from the field to the defense of their own homes." Probably, however, the North Carolina soldiers would not have been answerable to the Governor's expectations in the issue presented, and they would gladly and vigorously have established peace at Raleigh on their own terms.

The press of the *State Journal* having been battered to pieces with sledge hammers, that paper was not revived; but the press of the *Standard* was unharmed, and a month later the *Standard* resumed publication. The congressional election was to come off on November 4. The State was divided into ten districts, the first being in the Albemarle section, the tenth Buncombe and the mountain counties. The contest was between Conservatives and those who did not stand with the Conservative party. Holden, after the publication of the *Standard* was resumed in October, was much more temperate in his expressions. He urged that the Conservative candidates could do more for the Confederate cause than their opponents would. The people want peace, but fear they will never get it as long as the original Secessionists remain in power.

The canvass turned generally on the support by the former members of the "twenty-negro" exemption and other unpopular measures of Congress—matters of administration, not involving lukewarmness in the Southern cause.

Turner of Orange, endowed by nature with a most wandering mind, always the most obstreperous of candidates, and whose political creed from boyhood was implacable antagonism to the Democrats, was the candidate in the Raleigh district, and he measured up to the expectations of Mr. Worth. Turner had early volunteered and had served well as captain of a cavalry company and had received a severe wound in his forehead. He now delighted in "being very severe on able-bodied Secessionists who refused to fight." That was the fundamental basis for his appeal for popular support. But he would modify the titling law, and would countenance no unjust discrimination between the slaveowners and the non-slaveholders; and he would insist on the strict observance of the Constitution and exert

The election

The campaign



himself to maintain the civil law against the usurpation of the military powers.

The Conservative candidates claimed to be quite as patriotic as the sitting members had been—and more in accord with popular sentiment with respect to some of the measures passed by Congress that bore hard on the people. They did not stand as opponents of the Confederate cause, or even of the administration, but of certain unpopular measures.

In the first district W. N. H. Smith easily won; in the second R. R. Bridgers narrowly escaped defeat, by Colonel Yellowly as a Conservative. In the New Bern district Kenan retired. Col. D. K. MacRae who had resigned as Colonel of the Fifth Regiment and had gone abroad as an agent of Governor Vance to purchase military stores and had now returned, made a canvass against Dr. J. T. Leach, a Conservative, while both Col. W. S. Devane of the Sixty-first, and Mr. Thomas J. Faison were likewise voted for. Though Dr. Leach polled 500 fewer than his opponents he led the field and was elected. In the Cape Fear district the gallant Lieut. Thomas C. Fuller who, as enthusiastically described by General Clingman, had fought so at the Neuse bridge battle as to recall Horatio holding the bridge, in the "Lays of Ancient Rome," won by 750 majority.

Christian, in the Davidson and Anson district, led Thomas S. Ashe by 1,500, but died soon afterwards, and James Madison Leach was elected in his place. Gilmer in the Greensboro district had no real opponent although Bedford Brown, not a candidate, received some votes. Gaither was chosen over Rev. Mr. Smith by 537 majority; Ramsay succeeded by 147; and in the tenth district, where there were several contestants in the field, Logan, the Conservative candidate, presented by a convention of many delegates, fell short of a majority by 500, but won by a plurality. The soldiers from that district cast for Logan 328, and against him 869. There were several small counties from which there were no returns, but the vote as far as tabulated was substantially: Conservative candidates, 20,500; administration, 19,000—the total vote being about 40,000, while in 1862 it was 74,871, Vance receiving 54,000. In this election the administration candidates fell off a thousand from

The result  
of election

Johnston's vote and the Conservatives fell off more than 30,000. Still the Conservatives gained a majority of the members elected. 1863

### The Legislature

The Legislature met in extra session on November 23, Speaker Donnell being absent, the House elected M. S. Robins Speaker. Judge Bailey having resigned in the eighth district, Ed. G. Reade was elected judge of that district. Governor Vance's message was like all of his utterances, highly patriotic. There were some necessary amendments to be made to the laws, and he urged the adoption of a recommendation made by Mr. Wiley, the Superintendent of Public Instruction, for the inauguration of graded schools, one or more in each county; and he disposed of the peace meetings, while not even mentioning them, by declaring, "So far from treating with us on the basis of our independence, or even of reconstruction, the arrogant people of the North are tauntingly proclaiming on the hustings that no peace can be made with us—no peace talked of—till the last rebel had laid down his arms. An insulted and outraged people will yet make them regret this haughty language, which wrongs humanity and outrages civilization. The lion, which has crouched in their path to Southern conquest for three years, is still there, and though driven back a little, he has grown more watchful, and will fight more fiercely as he approaches his lair. We know at last precisely what we would get by submission, and therein had our enemy done us good service—abolition of slavery, confiscation of property and territorial vassalage. These are the terms to win us back. Now when our brothers bleed, and mothers and little ones cry for bread, we can point them to the brickkilns of Egypt—thanks to Mr. Seward—plainly in view, and show them the beautiful clusters of Eschol, which grow in the land of Independence, whither we go to possess it. With such a prospect before them, our people will, as heretofore, come firmly up to the full measure of their duty, if their trusted servants do not fail them: they will not crucify afresh their own sons slain in their behalf,

Vance for  
graded  
schools

His view of  
Northern de-  
mands

His appeal



or put their gallant shades to open shame by stopping short of full and complete national independence."

His steward-  
ship

One of the judges had decided that the Home Guard could not be used to arrest deserters, the Governor now asked that he have the same authority as to the guards as over the militia. He reported that he had purchased and stored away 50,000 bushels of corn, 250,000 pounds of bacon and some rice. During the year he had issued only one-fourth of the bacon, less than half of the corn, and had sold to the Army 100,000 pounds of bacon and 20,000 bushels of corn. The earnings of the *Ad-Vance* could be used to buy more. The blockade-running had been most successful, and considerable freight had been brought in for the Confederacy. Two thousand and ten bales of cotton had been sent to Liverpool and proceeds deposited to the credit of the State. "North Carolina troops will be comfortably clothed to January, 1865. I have to thank you for the cordial and confiding support I have heretofore received at your hands. I shall need your sustaining arm still more in the future. The great mass, thank God, continue hopeful and earnest."

The Assembly adjourned December 14 to third Monday in May, 1864.

### Blockade runners

In 1861 the Legislature had directed General Martin, the Adjutant General, to furnish clothing for the North Carolina troops. As the number of troops increased the task became more and more difficult, until at length, in August, 1862, when there were sixty regiments in the field, General Martin found the resources of the State inadequate. He asked Governor Clark's permission to buy the supplies abroad and to purchase a vessel to transport them.

Sept., 1862

As Governor Vance was about to be inaugurated, Governor Clark asked that the matter be held in abeyance until Vance should become Governor. When General Martin brought it to his attention, Governor Vance took the subject under advisement, and called in Mr. Moore and some others to consider the proposition. Mr. Moore declared

that the Governor and Adjutant General would be liable to impeachment, if they carried out such a plan. But the Governor was not alarmed by the suggestion. He signed the bonds and, on the recommendation of Maj. Thomas D. Hogg, who had been such an efficient agent of the State, Mr. John White, a merchant of Warrenton, was selected to go abroad and purchase the ship and supplies; and Captain Thomas M. Crossan, also from Warrenton, was sent to command the ship, and Captain T. J. Hughes of New Bern went out to be purser. The party left Charleston November 15, 1862, and arrived at Liverpool on December 23. To Mr. White had been entrusted 1,500 State bonds, in which the State acknowledged the payment to the State of 500 pounds sterling, and bound herself to deliver to the holder twelve bales of cotton weighing 400 pounds each, at Wilmington or other Confederate port, on sixty days notice. He also had \$500,000 in eight per cent State bonds. And then later in May, 1863, at his request Governor Vance sent him a million dollars of State bonds. The placing of the State securities it was thought would interfere with the sale of Confederate bonds then on the market in London, and there was a delay of some months on that account.

Captain Crossan found a fine side-wheel steamer running between Glasgow and Dublin, called *Lord Clyde*, and as she was a first-class vessel, with good speed, on a press making twenty knots an hour, she was purchased by him for £35,000. Her name was later changed to *Ad-Vance* in compliment to Governor Vance's wife, Mrs. Adelaide Vance. Her name will long be perpetuated in the annals of time.

Ad-Vance

The *Ad-Vance* ran to Bermuda—not to Nassau—and carried out cotton and brought in stores. James Maglenn of Fayetteville joined her on her return to the Cape Fear, after a few trips, as chief engineer. So perfect was the management that at Wilmington they would say, "On such and such a day the *Ad-Vance* will come in."

Captain Crossan also entered into a contract with Alex Collie for Collie to furnish four steamers for blockade running, the State to pay one-fourth the cost in cotton bonds,



The State's  
vessels

and to be interested one-fourth. Under this contract the *Hansa* and the *Don* were bought and engaged in the business. In the meantime Governor Vance sent Col. D. K. MacRae to make similar purchases, but on July 10, Governor Vance wrote to Mr. White that he now had such assurance of clothing the troops with our own goods, and had captured such a vast quantity of arms, that he did not need any more purchases. At that date Governor Vance could say: "Our whole prospects are better than they were this time last year. Our people are adapting themselves to a state of war, and our resources are developing wonderfully."

The  
imports

The *Clyde*, now named the *Ad-Vance*, arrived in Wilmington about July 1, 1863, and made eleven successful trips to Nassau, Bermuda and Halifax, but chiefly to Bermuda, where our North Carolina goods were sent from England. At first the ventures were made by private firms, but finally the Confederate States entered into the commerce, and then the State of North Carolina. Such cargoes brought in were sold at auction, and on May 20, 1863, there were twenty-two cargoes at the three chief ports, Mobile, Charleston and Wilmington, awaiting sale.

The general result was some supply of articles and commodities that were much needed in the Confederacy, but as those for trade were sold at auction and there was a rampant spirit of speculation, the prices rose to fabulous heights. Coffee and such provisions were beyond the reach of ordinary families. The provisions brought in were very helpful to the Confederacy, there being an immense quantity of salt pork imported, along with military stores.

Blockade-  
runners

The Confederate government early purchased in England two Clyde steamers, the *Giraffe* and the *Cornelia*, the name of the latter being changed to *Lady Davis*, in honor of President Davis's wife. These came in April and May, 1863, and continued to ply between Wilmington and Bermuda, taking out cargoes of cotton and bringing in arms and other supplies. But the *Lady Davis* was captured after her twelfth voyage. The Confederate government likewise purchased the *Douro*, the *Virginia*, renamed the *Cape*

*Fear*, and the *North Heath*. The *Antonia* and the *Owl* were also owned by the Confederate government, as well as the *Dare*, *R. E. Lee*, *Phantom*, and others. The *Flora* was owned in part by the State of Georgia, named for the daughter of Capt. J. N. Maffitt.

One very fine ship was the *Don*. She made a dozen successful voyages under Captain "Roberts," who was really Captain Hobart of the British Navy, a son of the Earl of Buckinghamshire, and afterwards known to history and honorable fame as Hobart Pasha, admiral-in-chief of the Turkish Navy in the war with Russia. On one occasion the author was with him a few hours as the *Don* was passing from Wilmington to Smithville to go out,—a stately man, with a fine person, every inch a nobleman; quiet in manner, and dignified in carriage, allured to this employment by its dangers and perils and the reward of successful accomplishment. Nor was he alone in distinction: Capt. Hugh Burgoyne and Admiral Murray-Aynsley, of the British Navy, were his peers, as were Maffitt, Wilkinson, Crossan, and other gallant spirits whose efficiency and skill were equal to their courage and daring.

The  
Captains

This commerce was so highly important that Colonel Lamb at Fort Fisher applied himself particularly to aiding it by protecting the vessels seeking an entrance into the Cape Fear. In the afternoon of June 28 the steamer *Clyde* arrived at our wharves at Wilmington, bringing a cargo for State account. Governor Vance and other State officers went down to meet the *Clyde* and came up in her, but Governor Vance had to return at once to Raleigh to meet the General Assembly in extra session.

House Jour-  
nal, 29

The defenses of the Cape Fear had been steadily improved. On July 4, 1862, Col. W. J. Lamb had been assigned to the command of Confederate Point, where there were some detached earthworks and a casemate battery of palmetto logs protected by railroad iron; and two small batteries, Anderson and Gatlin, towards the head of the sound. These had been built by the soldiers. Conditions now admitted other construction. Negro labor could be employed, and Colonel Lamb, by the use of five hundred

The defenses



negroes and the garrison, began work of more extensive character. At the other mouth of the river where Fort Caswell was, similar works were in progress, but not so extensive in design.

As the war progressed, notwithstanding the attendant risks, blockade-runners multiplied and this commerce became greatly enlarged. The profits were so great both on the imported articles and on the cotton and tobacco that made up the return cargo, that adventurers hastened to engage in the trade. There were probably a hundred ships engaged in it at Wilmington alone during the year 1863. Some of these made many voyages, and, first and last, while almost one-half of them were captured or destroyed, the remaining ships escaped.

The iron-clads

1863

The Albemarle

Two patriotic citizens of Georgia, Nelson Tift and his brother, having led the way, the Navy Department had been successful in building and equipping ironclads at the South, that had proved very effective in their operations; and now it began the construction of similar vessels in North Carolina. Two were ordered to be built at Wilmington, one below Kinston, one at Tarboro, and one to operate on the Roanoke. Gilbert Elliott had some experience in such work, and although but a young man, undertook the construction of the one on the Roanoke. The site selected was at Edwards Ferry, twenty-one miles below Halifax and some six miles from Scotland Neck—at a point out of danger from the river floods, and where there was abundance of white oak timber and labor at hand. The plan of the ship was patterned after that of the *Merrimac* or *Virginia*, the chief naval constructor, John E. Porter, furnishing the specifications and drawings, and Mr. Peter E. Smith, brother-in-law of Mr. Elliot, was the chief builder. These gentlemen were of the vicinity and had ample financial means to conduct operations. Their employment was by the day for themselves and their hands. A navy yard was established half a mile below Halifax, consisting of a hospital, drug store, supply storeroom, commissary, etc. A number of marines formed the guard. Capt. Julius Guthrie, an experienced North Carolina officer of the old navy, was in

command, and Robert H. Daniel was the naval storekeeper, furnishing what was necessary for the construction of the vessel.

The vessel was 152 feet long, 45 feet wide, from gun deck to keel, nine feet, and drew eight feet of water; the prow was of oak, running back solid 18 feet. Three portable sawmills were operated in the neighborhood to get out the timber, and a blacksmith forge and other facilities were at hand. Begun early in 1863, there was delay in getting the iron to cover the frame. This was iron plate two inches thick. She had two propellers driven by two engines, each 200 horsepower, and her armament consisted of two rifled Brooke guns. There were two portholes on each side of the casemated shield that surmounted her deck, and one at each end, and each gun could be fired through three portholes.

The needed iron having been procured and offensive operations being designed in Eastern North Carolina, Capt. James W. Cooke, of the Navy, was ordered to supervise her completion and get her ready for action. She was launched successfully and with due formality, Miss Mary Spotswood breaking a bottle of wine on her prow and naming her the *Albemarle*. She was then carried to Halifax for the more speedy putting on of her armor.

The Federals holding New Bern, Washington, Plymouth, and in command of the sounds, and able to move in any direction without serious opposition, except alone that the force at Kinston lay in their pathway to Goldsboro and Raleigh, were always a menace to Halifax and Weldon, and to the bridges on the Wilmington and Weldon Railroad. A column passed through Williamston and hurried on to Tarboro and Rocky Mount. They burned the railroad bridge over the Tar and the Battle cotton factory—which had been one of the chief supplies of cotton yarn—and tore up the railroad track. They captured two carloads of ammunition and 30,000 pounds of bacon.

Raid on  
Tarboro

In July prices had risen; bacon \$1 a pound, butter \$2, coffee \$4, flour \$50 a barrel, molasses \$10 a gallon, whiskey \$20 a gallon, nails \$1.50 a pound, sugar \$2.



The President having called for all conscripts between forty and forty-five years, Governor Vance directed the militia officers to enroll them and bring them to Raleigh before August 1.

September,  
1863

Lee's letter  
on dissatis-  
faction

The Secretary of War having received Governor Vance's letter of August 20 with regard to the causes of dissatisfaction among the North Carolina troops in the Army, forwarded it to General Lee, who replied, September 9: "I regret exceedingly the jealousies, heart burnings and other evil consequences resulting from the crude misstatements of newspaper correspondents, who have necessarily a very limited acquaintance with the facts about which they write and who magnify the deeds of troops from their own states at the expense of others. But I can see no remedy for this. Men seem to prefer sowing discord to inculcating harmony. In the reports of the officers justice is done to the brave soldiers of North Carolina, whose heroism and devotion have rendered illustrious the name of the State on every battlefield on which the Army of Northern Virginia has been engaged.

"I need only to say that I will with pleasure aid Governor Vance in removing every reasonable cause of complaint on the part of men who have fought so gallantly and done so much for the cause of our country; and I hope he will also do all in his power to cultivate a spirit of harmony and to bring to punishment the disaffected who use these causes of discontent to further their treasonable designs."

Gen. Cullen Battle, in an address, narrated a touching incident of the war based on a letter from a wife, closing: "And before God, Edward, unless you come home we must die. Your Mary." Such an incident was happily not illustrative of affairs in North Carolina. The several counties had means to provide food for the families of soldiers and the State had great stores of provisions in its warehouses.

### **Vanlandingham**

While Mr. Worth was building hopes on what the people of the North might say and do, Vanlandingham was declaring in the Federal House of Representatives: "His-

tory will record our Southern brethren were to be whipped back into love and fellowship at the point of the bayonet. History will record that after nearly 6,000 years of folly and wickedness in every form of government, it was reserved for American statesmanship, in the nineteenth century of the Christian Era, to try the grand experiment on a scale the most costly and gigantic in its proportions, of creating love by force, and developing fraternal affection by war. . . . Constitutional limitation was broken down; habeas corpus fell, liberty of the press, of speech, of the person, of travel, of our own house, of mails, of religion; the right to bear arms, due process of law, judicial trial, trial by jury, trial at all, every badge and muniment of freedom, in republican government, or kingly government, all went down at a blow." The Attorney-General, first of all men, proclaimed in the United States the maxim of Roman servility, "Whatever pleases the President—that is law."

At the North

### Indians at the west

On the Indian reservation there lived about 1,500 Indians quite advanced in civilized life. Col. William H. Thomas had long been the State Senator from the counties in which they lived. He was an ardent Secessionist. Early in 1862 Colonel Thomas addressed himself to raising a "Legion," which consisted of a regiment, the Sixty-ninth, a cavalry battalion of eight companies, a battalion of engineers, and a battalion of infantry; in all 2,800 men. Later, this battalion of infantry was recruited to a full regiment, along with two other companies composed mainly of Cherokees. The whole number of Cherokees enlisted numbered nearly 400. Their service was to be in the mountain region. They early had several encounters with the Federal troops in East Tennessee; and did excellent service in that region.

Desertions continued from the Army. These were not restricted to North Carolina troops, and deserters from the more southern states found it convenient to stop among those who had established themselves in the central and western counties, and their numbers were multiplied.

Desertions



1863

And at the west during the year 1863 very disastrous changes were observed. The people, there as elsewhere, while divided politically, had sprung to arms with enthusiasm under the leadership of Clingman and Vance and their respective friends; but as the war wore on a spirit of defection made progress in some localities, especially where there was close intercourse with East Tennessee. Parson Brownlow was editor of the Knoxville *Whig*, and his paper had a wide circulation and considerable influence. Many of the public men in that region espoused the Northern cause. On the other hand others were faithful to the South.

In the  
mountains

In the North Carolina counties the people were more united for the South, but deserters began to come into the mountains, and companies of bushwhackers were formed. When conscription was to be enforced a spirit of opposition was engendered, conditions became threatening, and several regiments were detained there for local defense, among them the Sixty-second, Colonel Love; Sixty-fourth, Colonel Allen; Sixty-ninth, a part of Thomas's Legion, with Col. James R. Love as a leading spirit.

In August, 1862, the Sixty-second operated in East Tennessee, and the Sixty-ninth guarded the railroad that constituted the line of communication between Virginia and the Southwest; while the Sixty-third was stationed at Greenville, Tennessee. These and other troops in that section were moved about from post to post, suppressing deserters as best they could.

Sept., 1863

Martial law was declared in East Tennessee, and that, together with the enforcement of conscription, added fuel to the flame of discontent. So bad was the situation that on July 7, 1863, the General Assembly provided for the organization of Home Guards, consisting of all males between eighteen and fifty, and on September 19, 1863, John W. McElroy was appointed Brigadier General and assigned to command, with headquarters at Burnsville.

On September 3, General Burnside, who had been sent to Tennessee, occupied Knoxville, the Confederates falling back and the Federal cavalry pressing on. The entire western border of North Carolina was threatened.

While there was much sporadic lawlessness, perhaps the worst region was the Shelton Laurel section of Madison County, which was infested with bushwhackers of fierce audacity and viciousness. In addition to the native disloyal element, hundreds fled from Tennessee and, when hunted in the mountains, fought and retaliated and committed many outrages.

Shelton  
Laurel.

In the spring of 1863 a number of men, among them some boys from Shelton Laurel, had taken possession of Marshall, the county seat, had broken into the stores and taken possession of the salt and other property there. Colonel Keith was directed to go there and punish them. Arriving at Shelton Laurel, he captured thirteen old men and boys, made them sit on a log and shot them. While a guerilla warfare had long been in progress in that region this sudden and horrid execution by way of retaliation was followed by its natural consequences and aroused the indignation and wrath of the people. Governor Vance at once dismissed the officer, but the evil influence that attended the atrocity was not thereby stayed.

Arthur,  
W. N. C.,  
603

After the fall of Knoxville Burnside pressed on, and six days later, Cumberland Gap, deemed an impregnable position, held by the Sixty-second Regiment, the Sixty-fourth, and other troops, under Gen. John W. Frazer, was besieged by Federal forces on both sides of the gap. There was opportunity for General Frazer to have retired, if he thought that necessary; but the position was so strong that he deemed it was proper to defend it. The siege began on September 7, and various assaults and repulses were made. But on the afternoon of the 9th, negotiations were opened for surrender, and at sunset General Frazer announced that he had surrendered. Every officer bitterly opposed being surrendered. Lieut. Col. B. G. McDowell, in command of the Sixty-second Regiment, called on all men who were willing to follow him. About six hundred responded; and, led by Colonel Slemph, they moved out of the gap on the Kentucky side opposite Jonesville, and made their way to Bristol.

Frazer sur-  
renders

1863

McDowell

Clark, Vol.  
III, 524



In Alleghany All the while there were encounters in the western counties. In Alleghany there were many deserters and bushwhackers. At first, they merely hid in the mountains to evade military service: for doubtless, making their way from Lee's army, Alleghany was the first region they struck where they found a temporary refuge. But, later, they took to robbing and murder. The able-bodied men being in the Army, the women and children were defenseless. Alleghany appealed to Surry for aid, and Surry sent one hundred men to assist the local Home Guard.

Arthur, 615 General Pierce, with some soldiers, eventually scoured the country, capturing a number of the robbers, who were carried to Laurel Springs, where some of them were hung. Later, a cavalry company arrived, but lawlessness was not entirely suppressed. And so it was to some extent in nearly all the western counties, where settlements were remote from protection. The more patriotic the county had been, the more denuded of its men by service in the Army, the more exposed was it to these bands of roving marauders, not citizens of the county, but deserters from the Army, chiefly from other states.

1863 Eventually conditions at the west became so bad that in the summer of 1863 a military district was created, called the District of Western North Carolina; and Brig. Gen. R. B. Vance was assigned to the command. He was a very capable and efficient officer and a devout man, with a kindly heart: and having been reared in the mountains, and having been an old-time Whig, he had the confidence of the people in a remarkable degree.

Arthur, 610 Elected Colonel of the Twenty-ninth Regiment in the fall of 1861, he had been assigned to the duty of protecting the bridges from Bristol to Chattanooga against raids, and he operated in that region until on December 30, 1862, when at the head of the Twenty-ninth Regiment, he opened the battle of Murfreesboro. His gallantry won him promotion; but falling ill, it was not until the summer of 1863 that he could report to General Bragg for duty. The district above mentioned was then created and he was assigned to it. He successfully maintained himself for some months, often assailing the enemy.

After the battle of Chickamauga Longstreet with a part of his corps was detached from the Army of Northern Virginia to operate against Burnside in East Tennessee. He drove the Federals into Knoxville, where he besieged them; but conditions in Virginia led to his recall, and, as his force withdrew, Burnside followed. To draw Burnside off, General Vance, in January, 1864, made a demonstration by going through Quallatown up Ocona Lufty and through Collins Gap into Tennessee. Having crossed the Smoky Mountains, he divided his force, and with some three hundred men pressed on towards Sevierville, where, within five miles of Burnside's encampment he captured about eighty loaded wagons and their teams and drivers and started back with them; but, pursued by a large force of cavalry, he was overtaken at Crosby Creek, and a large part of his command was captured, along with General Vance himself. The other detachment, under Colonel Thomas, then returned to Ocona Lufty. Towards the middle of August a raid was made on Murphy and Cherokee County by a force of 120 men. It met with no opposition, demolished the jail, carried off fifty guns and much ammunition stored there for the winter. The September Term of Cherokee Superior Court could not be held. Judge Shipp and Solicitor Merrimon, who attempted to hold the court, retired to Asheville, saying that it was impracticable; many of the Southern men were leaving the county.

Biog. Hist.,  
Vol. VI, 472

1864

Arthur,  
W. N. C.,  
610

During all of this period of unrest at the west the courts except as above were regularly held, although at the great personal risk of the court officers. The solicitor, A. S. Merrimon, firm in the performance of duty, resolute, and of unusual courage, never flinched and fearlessly discharged the functions of his office; but he was wise, with a pure heart, and a man of fine intelligence, and he sought to soften animosities and compose differences; and, having the entire respect and confidence of the mountain people, his influence was powerful and was always exerted for the preservation of law and order.



## CHAPTER LIII

### THE CONFEDERATES HOPEFUL

The general feeling.—Pickett's move on New Bern.—Vance breaks with Holden and Worth.—Vance and President Davis.—Bragg adviser of President.—The Supreme Court.—Habeas corpus to be suspended.—George Davis Attorney-General.—E. G. Reade Senator.—Graham Senator.—Gatlin Adjutant General.—The Senior and Junior Reserves.—Dahlgren's raid.—The North Carolina cavalry.—Cheek routs Kilpatrick.—Pollard kills Dahlgren.—Dahlgren's purpose to burn Richmond.—Lee's judgment.—Holden suspends the *Standard*.—Vance opens his campaign.—His patriotic appeal.—Holden announces himself.—Vance visits the army.—The grand review, worth 50,000 men.—The capture of Plymouth.—The *Albemarle*.—The great victory.—Hoke promoted.—The Legislature meets.—The lines drawn.—Vance's message.—Aycock's fine sentiment.—To propose peace.—Judge Pearson and habeas corpus.—The other judges declare him wrong.—The *Ad-Vance*.—Roll of honor.—State activities.—Currency.—Schools.—At the west.—The races.—Movement on New Bern.—Hoke hurries to Petersburg.—The *Albemarle* fails.—Grant's campaign.—The Wilderness.—Sheridan's raid.—Grant moves.—Spottsylvania.—Butler advances on Petersburg.—Walthall Station.—Clingman's activities.—Richmond alarmed.—Hoke saves the situation.—At Drury's Bluff.—Jarvis wounded.—Beauregard's disposition.—Hoke, the Ransoms, Clingman, but Whiting does not move.—Butler bottled up at Bermuda Hundred.—Cold Harbor.—Hoke's Division.—May 31, first encounter.—Death of Colonels Murchison and A. D. Moore.—Battle of the 3d.—Lane wounded.—Barry replaces him.—The North Carolina brigades.—Hoke and Lee.—Thirteen thousand Federals fall.—Grant's troops refuse to attack.

#### The general feeling

As the year 1864 opened diverse prospects were presented to the vision of those who had different standpoints. By some who, like Worth, did not regard the Confederate cause as worth fighting for, and others who, like Holden, had abandoned hopes of success and were casting about to obtain favor when the Confederacy should have failed, the persistence of the government was regarded as mere obstinacy. But fortunately these had but few sympathizers. The general feeling was gratification that the army remained unconquered and unconquerable—that under divine

favor, the enemy would be continually and constantly defeated, and eventually would cease from troubling the people of the South.

### Pickett's movement on New Bern

The army being at winter quarters and everything quiet along the lines, on January 2, 1864, General Lee wrote to President Davis: "The time is at hand when, if an attempt can be made to capture the enemy's forces at New Bern, it should be done," and he disclosed in a general way a plan of operations. He urged: "A large amount of provisions and other supplies are said to be at New Bern, which are much wanted by the army, besides much that is reported in the country that will thus be made accessible to us." The President sent for General Hoke, and attention being directed to the unfavorable political conditions in the State, he asked General Hoke what could be done in North Carolina. Hoke promptly replied: "Arrest Holden and send him out of the country." "Oh! no, I can't do that," said the President, who, instead, mentioned military operations, which at once awoke the enthusiasm of General Hoke. The President, having in view the importance of the movement, desired General Lee to go to North Carolina himself; but Lee replied: "In view of the opinion expressed in your letter, I would go to North Carolina myself, but I consider my presence here always necessary, especially now when there is such a struggle to keep the army fed and clothed. I will, however, go to North Carolina if you think it necessary." On the 20th of January, the same day he wrote the above letter, he wrote to General Pickett, who was in command of the District of Petersburg and lower Virginia, and who had a considerable army at his disposal in that district: "From the information I have received I think the garrison at New Bern can be captured, and I wish it tried, unless upon close examination you find it impracticable. You can use for that purpose Barton's, Kemper's and Corse's and as much of Ransom's brigades as you can draw to that point. I shall send, in addition, Hoke's Brigade from this army. General Hoke is familiar with the vicinity of New Bern.

Jan., 1864

Lee's directions



He has recently returned from a visit to that country, and it is mainly upon his information that my opinion has been formed. He will hand you this letter and explain to you the general plan which at this distance appears to be best. You can modify it according to circumstances, developed by investigation and your good judgment. General Hoke will move down between the Trent and the Neuse, endeavor to surprise the troops on Bachelor's Creek, silence the guns in the Star fort and batteries near the Neuse, and penetrate the town in that direction; Whitford's Battalion, or such other force as may be designated, to move down north of the Neuse, occupy if they cannot capture, Fort Anderson at Barrington's Ferry, and endeavor to take in flank with the batteries the line south on the Neuse, so as to lighten Hoke's work.

"The night previous to the land attack, Colonel Wood of the navy, with 200 men in boats will descend the Neuse and endeavor to surprise and capture the gunboats in that river, and by their aid drive the enemy from their guns. General Whiting will be requested on the day appointed for the attack to threaten Swansboro, so as to fix the attention of the enemy at Morehead.

"Everything will depend on the secrecy, expedition and boldness of your movements. General Barton should move first, and be strong enough to resist any concentration of the forces from New Bern and Beaufort. General Hoke with his own brigade should move next, the force north of the Neuse to keep pace with him. Colonel Wood will attend to his part. Commit nothing to the telegraph that will disclose your purpose. You must deceive the enemy as to your purpose and conceal it from the citizens. As regards the concentration of troops you may put it on the ground of apprehension of an attack from New Bern. General Hoke will give out that he is going to arrest deserters and recruit his diminished regiments."

It is apparent that the details of the expedition were worked out by Hoke.

Clingman's Brigade, on November 30, 1863, had been removed, first to Kinston and then to Petersburg, where it arrived about the middle of December. Pickett brought

with him Barton's, Corse's, Clingman's and Kemper's brigades, while Ransom's, operating from Weldon, joined him, and that part of Hoke's not already at Kinston was brought on by General Hoke, thinking that they were going to arrest deserters. Martin's Brigade was encamped near Wilmington. No pains had been spared to make the movement a success. The prize was great and success important.

Besides the political effect in hushing the mouths of those who were constantly crying out against the government that it was neglecting North Carolina, and the relief it would bring to the distressed and oppressed people of the eastern counties, there were immense quantities of supplies at New Bern and in the country that were much needed for the army. Of such particular consequences was it deemed by the President, that besides suggesting that Lee himself should make the movement, the naval coöperation was confided to his own naval aide, John Taylor Wood, a nephew of President Davis, grandson of General Taylor, one of the most gallant, successful and efficient men of his day, who was accompanied by Lieut. Ben. Loyall, a gallant officer. Four cutters with picked crews were quickly brought on the cars from Drurys Bluff and three from Wilmington, all under excellent young officers, trained at Annapolis, among them William A. Kerr, Williamson and Roby, all Carolinians. The cutters under Colonel Wood secretly made their way down the Neuse to the vicinity of the enemy, and all being in readiness, according to the plan, the movement began.

The details

General Martin, leaving Wilmington with the Seventeenth North Carolina, Lieut. Col. John C. Lamb, and the Forty-second, Col. J. E. Brown and Paris Light Battery, was joined at White Oak Bridge on the 29th of January by four companies from Kenansville under Col. George Jackson, and two squadrons of cavalry, under Colonel Jefferds and Maj. John W. Moore, and Captain Ellis's artillery, while Colonel Nethercutt and Lieutenant Farley accompanied him as guides. Pressing on expeditiously, Martin reached Newport, a few miles east of Morehead City, and cut the

At Newport



railroad. At ten o'clock on the 30th the Federals, taken by surprise and being vigorously attacked, were driven out of their fort and blockhouse, and abandoned their cannon; and a large quantity of supplies and many prisoners were captured.

Barton's  
failure

Barton, with Ransom's, Barton's and Kemper's brigades and with cavalry and artillery, arrived across the Trent near Trenton, and went down the south side of the river to Brice's Creek. His movement was rapid and such precautions were taken that the approach of his column was a surprise; but when the redoubts were reached, instead of making an immediate assault, he brought up his artillery and engaged in an artillery duel without making any further effort to take the blockhouse that arrested his progress, although during the entire day of February 2, the skirmishers kept the Federals closely in their works.

Hoke's  
action

Pickett, with Hoke's Brigade, three regiments of Corse's Brigade, and the Eighth and Fifty-first of Clingman's, and ten pieces of artillery advanced by the Dover road. Hoke's advance was rapid. He, with a bevy of officers, being considerably ahead of the troops, a Federal courier galloped unsuspectingly up to him, and when he saw his mistake, he hastily put a piece of paper in his mouth. Instantly Hoke's aide put a pistol to his head, saying: "If you swallow that, I will kill you." The courier spat it out. It proved to be a dispatch from which information was gained that a regiment and four pieces of artillery were being sent to a point in the vicinity. Hoke at once dispatched a force and captured the entire Federal detachment. The regiment proved to be composed of deserters from the Confederate ranks, and when that fact was discovered at Kinston they were tried by court-martial and many of them were executed.

Clingman

Clingman's regiments, reaching Kinston on the 30th, marched five miles toward New Bern and camped for the night. Next morning the march was continued, and the night of the 31st they reached the vicinity of Bachelor's Creek, ten miles from the city. By daybreak, preceded by an advanced guard, they approached the bridge, defended by a blockhouse strongly garrisoned. While this was being

captured, so that the infantry could pass the bridge, a ball struck Colonel Shaw, who was with General Clingman at the head of his waiting regiment, and he instantly expired. Colonel Shaw had been a Representative in Congress from the First District, a man of fine parts and high character. He was fearless, cool under fire, and always, even in the presence of the greatest personal danger, calm and composed. He was an efficient officer and had the warm regard, confidence and admiration of all who came in contact with him. His loss was greatly deplored. Lieut. Col. J. M. Whitson succeeded to the command. The blockhouse being captured about daylight, the Eighth Regiment hurried forward in pursuit of the fleeing Federals, and at a double-quick reached the railroad in time to intercept and capture several thousand. When Clingman reached the front of the fortifications he moved to the right, his right being about six hundred yards from the Trent road, while Hoke was on his left.

Shaw killed

General Barton was to have proceeded and crossed Brice's Creek, taking the forts on the banks of the Neuse, and, crossing the railroad bridge, enter New Bern. However, having arrived at Brice's Creek, he did not cross it. Pickett was apprehensive of reinforcements from Morehead to augment the force at New Bern, but such a movement had been blocked by Martin.

Wood, on the river, heard Pickett's dashing attack on the Federal outer works, and took measures to locate the position of the *Underwriter*, anchored close up to the right flank of the outer fortification. The cutters in two divisions, four boats each, fell down the stream, Wood to board the *Underwriter* forward and Loyall to board her aft. The night was very dark and no lights were visible. With muffled oars the cutters approached the ship and boarded her. The fighting was furious and at close quarters. The enemy gave way slowly, but finally in the black night were driven below the hatches into the ward-room, the engine room, and under the hurricane deck; and, after a stubborn contest, came the cry, "We surrender." There was not steam enough to move her, and Fort Stevens, near by,

Colonel  
Wood's suc-  
cess



opened artillery fire on her. On consultation it was deemed best to burn her and retire.

Pickett  
withdraws

Pickett now awaited the assault that General Barton was to make on the east and south of the town. But in vain. Clingman wished to assault, and asked for support; but Hoke could not move in against Pickett's positive directions. Thus the day passed. Finding that Barton had not co-operated, Pickett abandoned the attack. In his report he said: "I found we were making the fight single-handed." And so he withdrew. Colonel Wood, on his return to Richmond, told President Davis that had the expedition been under the command of General Hoke it would have succeeded.

#### Vance stands for independence

Jan., 1864

With the opening of the new year Vance found he could no longer stand with Holden. He had kept in close contact with the leaders of the Conservative party. His personal relations had not been interrupted. But he could no longer subordinate himself. Although he feared, what Worth thought, that Holden had a large majority of the people following him, he realized that the time had come to sever political relations. On January 2, 1864, he wrote to Governor Swain whom he had from youth venerated as his mentor: "The final plunge which I have been dreading and avoiding—that is to separate me from a large number of my political friends—is about to be made. It is now a fixed policy of Mr. Holden and others to call a convention in May to take North Carolina back to the United States, and the agitation has already begun. I can never consent to this course. Never. But should it be inevitable and I be unable to prevent it, as I have no right to suppose I could, it is my determination quickly to return to the army, and find a death which will enable my children to say that their father was not consenting to their degradation."

The conten-  
tion

Worth, Vol.  
II, 281

In the State, Treasurer Worth was making efforts to arouse the people to action for peace. On the 19th of January he wrote to a friend: "If the people of the State make known their wishes in unmistakable shape, by petitions, I

have no doubt of the Governor's coöperation; but without some such demonstration, we shall continue, I fear, to sink deeper and deeper in the gulf of despotism and ruin to which our rulers are now hurrying us."

The next day he wrote to another friend: "The public mind seems to be about ripe for any measure looking to a close of the war on almost any terms. It is likely to result in vigorous measures, if it gets any head; or, if nobody heads it, to sink into apathetic despondency. The administration can hardly become more unpopular." Two days later, to another: "I did not write to A. M. Tomlinson that North Carolina would go back into the Union, but wrote him what you all see in the papers, that 'many parts are for a convention to secede from the Confederacy and negotiate for ourselves.' Public meetings are being held and petitions are being got up, as I understand, for a new convention.

"It is put on the ground that the present authorities will not negotiate, and the people want to know on what terms peace can be had. . . . If it be true that we can have peace only on conditions such as Wendell Phillips proposes—confiscation of property—the Confederacy would gain strength by certain disclosure of it. Many believe that a majority of the people, North and South, would end the war on terms honorable to both if they could negotiate; and this class—certainly numerous in this State—are for a convention in order to open negotiations to ascertain what we have to depend upon. None would secede till it should be ascertained what terms would be granted, which should be deemed eligible to a continuance of war."

Worth's  
desire

In conformity with the views he expressed in these letters, Mr. Worth continued, day by day, to write to Anti-Secession Whigs, trying to put the ball in motion. To S. A. Starbuck of Forsyth he wrote: "I think there is no place in the State so eligible as yours to put the ball in motion." And with art and address he sought to bring about action—prepared a petition for circulation. "If you would have four or five thousand printed at your office and sent to reliable men in all the counties," he declared, "at least two-thirds of the people would concur, and would go much further."

Worth, II,  
282



Worth, II,  
289

Worth submitted his draft of a petition to Holden, who approved it; but it was thought best for it to be first published in Starbuck's paper and then reproduced in the *Standard*. In urging his proposition looking to a restored Union, on the old basis, without change, he declared: "If it succeeds, it will be a blessing to the whole land, and will prevent that universal emancipation and the curse of an enormous free negro population making the country unfit to live in. . . . If the North will not make peace on this basis, it will produce unity among us which will render us invincible. . . . I would do nothing to weaken our military arm until it can be ascertained that peace can be made on this basis."

The different  
purposes

Again he wrote: "I do not agree with either the *Observer* (Fayetteville, E. J. Hale) or the *Standard*. The *Observer* abhors peace on any other basis than independence. The *Standard* insists on measures looking to peace, but denies being for reconstruction. I am for peace on the basis of the Constitution of the United States, whereby we would preserve our slaves. . . . A large majority of the Northern Congress and, probably, a large majority of the Northern people would make peace on the basis of reunion with all our rights protected. If the enemy should exact terms such as Lincoln offers, or otherwise degrading, then we should sternly buckle on our armor and unanimously and bravely make war the arbiter."

Worth, II,  
297

Vance's sug-  
gestion

Governor Vance in December, 1863, had varied somewhat from his complaints against the Confederate administration and represented to the President: "After a careful consideration of all the sources of discontent in North Carolina, I have concluded that it will be, perhaps, impossible to remove it, except by making some effort at negotiation with the enemy." A week later the President replied at great length, with candor and entire respect: "I cannot see how the mere material obstacles are to be surmounted. We have made three distinct efforts to communicate with the authorities at Washington, and have been invariably unsuccessful." He detailed each.

"If, then, proposals cannot be made through envoys, how is it possible to communicate our desire for peace otherwise

than by the public announcements contained in almost every message I ever sent to Congress? I have seen no action of the Federal House of Representatives that does not indicate, by a very decided majority, the purpose of the enemy to refuse all terms to the South, except absolute, unconditional subjugation or extermination.

The President's reply

"But were it otherwise, how are we to treat with the House of Representatives? It is with Lincoln alone that we ever could confer, and his own partisans at the North avow, unequivocally, that his purpose, in his message and proclamation, was to shut out all hope that he would ever treat with us on any terms."

Lincoln's purpose

The President added that he feared an attempt would be made to inaugurate movements that would be equivalent to aid and comfort to the enemy, and "will you pardon me for suggesting that my only source of disquietude arises from the fear that you will delay too long the action that now appears inevitable; and that by an over-earnest desire to reclaim, by conciliation, men whom you believe sound at heart but whose loyalty is more than suspected elsewhere, you will permit them to gather such strength as to require more violent measures than are now needed."

A month later, Governor Vance replied and, adverting to the expected passage by Congress of a bill suspending the writ of habeas corpus, said: "Of course, if Congress and your excellency be resolved on this as the only means of repressing disaffection in this State, it would be a mere waste of time for me to argue the matter. Hundreds of good and true men, now acting with and possessing the confidence of the party called Conservatives, are at work against the dangerous movement for a convention. I expect myself to take the field and shall exert every effort to restrain the revolutionary tendency of public opinion.

The issue a convention

. . . The truth is, as I have often said before, that the great body of our people have been suspected by their government. This consciousness of their being suspected has been greatly strengthened by what seemed to be a studied exclusion of the Anti-Secessionists from all the more important offices, even from promotion in the army, which many of them had won with their blood.

Vance and Davis



"Discussion, it is true, has been unlimited and bitter, and unrelenting criticism upon your administration has been indulged in. . . . Though you expressed a fear that my continued efforts to conciliate were injudicious, I cannot yet see just cause for abandoning it." He indicated that no convention would be called by the Legislature. This letter contained other matter that was galling to the President. He endorsed it, "For consideration and advice. The assertions are discourteous and untrue. The rhetoric is after the manner of the *Standard*. Neither my actions nor my words justify the slander that I have regarded the North Carolinians with distrust or withheld due promotion to any of her gallant soldiers." He referred Vance's letter to his Attorney-General, George Davis, who never through life could divest himself of the disagreeable impression it occasioned.

Official  
Records,  
108, 820

The closing days of Congress prolonged the delay, so that it was only on the 29th of February that the President replied:

"When you assert that there has been, 'what seemed a studied exclusion of the Anti-Secessionists from all the more important offices of the government, even from those promotions in the army which many of them had won with their blood,' I am compelled to characterize the statement as unjust to my conduct, my feelings and my character. You cannot expect me to receive such a charge from the governor of a state without insisting on a specification. I must, therefore, request that you give the name, not of many, but of one officer, whose promotion has been refused on the ground or for the reason you mention.

"In the meantime, I assert that there exists not to my knowledge in the files of the department a single case, among the thousands there to be found, in which the promotion of an officer has ever been recommended on the ground of his party or political opinions or relations." And he denied "that any objection has ever been suggested to me by any of my advisers, civil or military, against the appointment or promotion of any officer of the army on the ground of his opposition to secession or other political opin-

Davis denies

ions held prior to the war. . . . I further affirm that the promotion of officers has been guided exclusively by military considerations, and that they have almost invariably been made upon the recommendations received from their fellow soldiers and commanders.

"You say, 'The truth is, sir, as I have often said before, that the great body of our people have been suspected by their government, perhaps because of the reluctance with which they gave up the old Union.' If by the words 'their government,' you refer to the Executive Department of the Confederate States, I deny that there is any ground for the assertion, and invite you to specify the facts to which you refer, and the persons to whom your frequent communications were made.

"You ask in reference to a suspicion of the people of North Carolina which you seem to impute to me—'Was this suspicion just?' I reply that your knowledge of the injustice of such a suspicion should have prevented your imputing to me the possibility of entertaining it.

"You complain of the excess and petty meanness of small minds dressed in a little brief authority and say, 'The files of my office are piled up with the unavailing complaints of outraged citizens to whom redress is impossible.'

"I have lamented such abuses and done my utmost to correct them whenever brought to my knowledge; but I am at a loss to conceive how you assert that these complaints were 'unavailing' and that 'redress was impossible' if you kept the papers in your files in Raleigh. I am sorry that the complaints of the citizens of North Carolina were addressed through a channel by which they failed to reach me."

Referring to his previous letter, he added: "In that letter I expressed, for I felt no distrust whatever of the noble people of North Carolina. I warned you of the error of warming traitors into actual life by ill-timed deference or timid concession, instead of meeting their insidious attempt to deceive the people by tearing the masks from the faces of the conspirators.

"Your present letter is the first intimation I have had from any source that the people of North Carolina were



suspected of disloyalty, and your needless defense of them takes me by surprise." Then, after repeating what he had previously said in regard to "some bad men," he affirmed: "I never did and do not now entertain aught but respect and admiration for the people of North Carolina. I did and do suspect a knot of traitors who have been conspiring at home, while the mass of the State's true sons were at their post of duty in the army." And, speaking about what might become his duty, he closed: "Should that contingency occur, I shall confidently rely for support on the mass of the good people of North Carolina, in spite of the threats or blandishments of those who would persuade them that their liberties are endangered, not by the wicked invaders of their country, but by their own government and their own fellow citizens."

Official  
Records,  
108, 824

This reply not only negated the very foundation on which the Conservative party had originally been based, but stigmatized some of Vance's associates as promoters of treason. The Congressional delegation, including Judge Reade, urged Governor Vance to have it published; but Vance thought differently, and suggested that the substance of some of it might be published. However, on March 9, he replied, in very good temper, pointing out with confidence what he regarded as specifications sustaining his charge as to favoritism in the military service, and assuming that the President had confessed as to the civil service. From Vance's premises it was a strong letter; and he closed—as to his recital of grievances—"Do not, I pray you, misunderstand me. I know these things in a greater or less degree are inseparable from a state of war, and it is utterly impossible for you to prevent them; but they do add to the discontent in North Carolina."

Ibid., 108,  
832

Ibid., 108,  
835

The President replied March 31, and utterly disproved Vance's allegations as to the military service, and absolutely denied the allegations as to the civil service. Then he suggested that the unprofitable correspondence on such matters should cease.

Ibid., 108,  
845

When in May, Vance submitted to the Assembly for publication his correspondence with the President, he communicated copies of his own letters and the replies of the

President; among them his letter of February 9, 1864, but he omitted the President's reply and the subsequent letters; and no reference was made to the fact that the President had replied. And, in that shape, a part of the official correspondence was published by the State in a public document. Later, during the campaign much of this correspondence was published in Vance's campaign paper, the *Conservative*, in particular this series of letters, but still there was no mention made of the suppressed correspondence.

Vance's situation was, indeed, one calling for the exercise of prudence. Men, like Treasurer Worth, around him were positively asserting that two-thirds of the people were supporting Holden, and the atmosphere in which Vance lived was such that he feared he could not stem the current. While he looked to the future with a great dread, and even contemplated as a possible escape from degradation death on the battlefield, yet he resolutely buckled on his armor for the inevitable contest. To win, he must by conciliation and address detach from Holden the Conservative leaders and those who had been in sympathy with them. That was his task, and he entered on it with resolution. Fortunately, he had been deceived by the misrepresentations of those around him as to the fiber of the manhood and patriotism of the people. What relief and happiness he must have felt when later he found everywhere the people responsive to his appeals, and enlisted under his leadership.

Vance's task

### Matters in North Carolina

On January 5, 1864, Congress passed an act that no person shall be exempt from military service by reason of having furnished a substitute. This opened with increased violence the old questions arising under the Conscript Act, which Chief Justice Pearson had almost invariably decided, at chambers, against the government. And on the 24th of February an act was passed authorizing the President to suspend the writ of habeas corpus where he deemed it necessary. At that time Colonel Peter Mallett was commandant of the conscript camp at Raleigh, George V. Strong was the District Attorney, and Asa Biggs the Confederate Dis-

The situation



Geo. Davis  
in Cabinet

strict Judge, Governor Bragg was the Confederate States Commissioner, and was understood to represent the President and to be his special adviser as to matters in the State.

Reade,  
Senator  
Jan., 1864

George Davis having resigned from the Senate and been appointed Attorney-General in Mr. Davis's Cabinet, Governor Vance appointed Hon. E. G. Reade to the vacancy. Judge Reade was sworn in January 22, 1864, and was Senator until May, when Governor Graham's term began. Maj. D. G. Fowle, the Adjutant General, had quarreled with the Governor and had retired, being succeeded by Gen. R. C. Gatlin, of the Old Army.

The Reserves

The young men between seventeen and eighteen years of age, and the old ones between forty-five and fifty were, by act of February 17, 1864, called into the service and enrolled in the "Reserves." While the old men generally were not called to the field at first, the young men were brought to camps of instruction and organized into light battalions of three companies each, by Lieut. Gen. T. H. Holmes, to whom the duty was assigned. One battalion alone was then organized of the Senior Reserves.

Clark, Vol.  
IV, 5

### Dahlgren's raid

The North Carolina cavalry, constituting a considerable portion of that branch of the army, rendered efficient service on many a field. There was an affair on March 1 that was of particular interest.

Kilpatrick  
repulsed

March, 1864

In February, 1864, a cavalry expedition was projected to capture Richmond and release the Federal prisoners there. It was entrusted to General Kilpatrick. In aid of it, Lee's army being in winter quarters, General Custer, on February 28, moved with fifteen hundred cavalry from Madison Court House to Charlottesville, reaching there on the 29th, and Stuart started after him. Simultaneously with this movement, Kilpatrick with thirty-five hundred men crossed the Rapidan at Ely's Ford and proceeded rapidly toward Richmond. He detached Colonel Dahlgren with 460 men, who rushed on to the James, with orders to cross and attack Richmond from the south, on March 1, while Kilpatrick would attack from the north at the same time. Dahlgren,

finding he could not cross the James, pressed on along the north side of the river. Kilpatrick succeeded in reaching the outer works of the city on the Brock Road about ten o'clock, on the first, and engaged the troops there until dark, when, hearing nothing of Dahlgren, he withdrew to Atlee Station. Dahlgren, however, did attack on the river road, and was likewise driven off.

In the meantime General Hampton moved from Hanover Junction with 300 North Carolinians of Gordon's Brigade, Hill, 228 under the gallant and intrepid Col. W. H. Cheek, and, reaching the vicinity of Kilpatrick about midnight, he sent Colonel Cheek with 230 men to ascertain what force the enemy had. Colonel Cheek, finding Sawyer's Brigade asleep, Cheek's strategy brought up one piece of his artillery, dismounted 150 men, and directed them, when the artillery opened, to fire, shout and advance, and simultaneously with that, Cheek with his mounted men rushed forward, and the whole Federal brigade was stampeded.

Cheek captured 87 prisoners, 133 horses, and a number of arms and equipments. Kilpatrick fled from the field and continued his flight during the night down the peninsula and reached Williamsburg. This affair forced Dahlgren to make a wide detour to the north, but he succeeded in crossing the Pamunkey and the Mattaponi, seeking to reach Gloucester Point. A notable result followed on the night of March 3. Dahlgren was ambushed by 150 men under Lieut. James Pollard of the Virginia cavalry, and at the first fire Dahlgren and others were killed, and 135 cavalry and 40 negroes surrendered to Pollard.

On Dahlgren's body was found an address signed by him, probably to his soldiers and the prisoners when released, directing that the city of Richmond should be burned and destroyed and President Davis and his Cabinet killed. Another paper containing special orders and instructions, but without signature, was to the same effect. Photographic copies were submitted to General Meade. General Kilpatrick said they were true copies, "save so far as they speak of exhorting the prisoners to destroy and burn the hateful city, and kill the traitor Davis and his Cabinet." He denied giving such orders. Dahlgren's purpose  
McClellan's Stuart, 401



Lee's view

When the subject was officially brought to his attention, Lee, with his undeviating rectitude and with that calmness of judgment and passionless mind that distinguished him from all other men, even the heroic Washington, replied to the Secretary of War: "I do not pretend to speak the sentiments of the army, which you seem to desire. I presume that the blood boils with indignation in the veins of every officer and man as he reads the account of the barbarous and inhuman plot, and under the impulse of the moment many would counsel extreme measures. But I do not think that reason and reflection would justify such a course. I think it better to do right, even if we suffer in so doing, than to incur the reproach of our consciences and posterity."

Long, 643

### Vance acts

Feb., 1864

The Standard suspends

General Hoke's Brigade, after Pickett's fiasco at New Bern, had remained at Kinston, and to some extent was employed in arresting deserters and conscripts. Because of the act suspending the writ of habeas corpus, Holden, fearing arrest, suspended the publication of the *Standard*. To take its place, Starbuck proposed to Worth to start another paper on the same line; but Worth would not venture. "The editor would be arrested. Judge Pearson will not be sustained by Judges Battle and Manly. The army has been wrought up to enthusiasm. Its officers almost unanimously are for a military despotism and the veterans have acquired the habit of obedience to the will of their leaders." It was indeed a fearful time for those who had fed and fattened on denunciation of everything that did not suit their whims; and their chief end of life was to quarrel with and clamor against the Confederate administration rather than against the invaders of their country.

Worth, II, 300

Vance's campaign

Toward the end of February Vance could wait no longer, but opened his campaign with an address at Wilkesboro. It was on a line with his idea of policy. It was for conciliation. He had in his audience many of close kin to the deserters who, indeed, were screened, fed and hid by them. His object was to win these men back to their duty to their State and to the Confederacy. He praised their faithful-

ness to their friends in hiding and appealed to them to redeem their friends from crime and bring them back to the path of duty and honor. But he announced that the law was supreme and should be obeyed. He changed his keynote somewhat on the subject of the suspension of the writ of habeas corpus and no longer denounced the Confederate authorities; and the drift of his remarks on the question of peace imputed to those who were agitating for a convention the ulterior purpose of seceding from the Confederacy and submitting to the Federal government. He pointedly presented the question: "What does Mr. Lincoln promise? He says if one-tenth of the people of any state will take an oath to support his proclamation abolishing slavery, his proclamation inciting the slaves of your State to burn your houses and murder your families, then he is willing to set them up as the government of the State. Are you willing to submit?" His appeal to patriotism was superb; and indeed this speech was unusually effective, for Wilkes had been almost in a condition of entire disaffection, and Vance won nearly one-half of it to his support.

The Conservative,  
Feb. 22

On the publication of this address Holden at once, on March 3, issued an extra, announcing himself as a candidate for Governor. He met the issue boldly. "He was for peace, Vance for war." The clap of thunder had come, the air was clarified, the coalition was dissolved. A month later Vance made a visit to the army. On the 26th of March he opened his campaign among the soldiers by an address to Daniel's Brigade. On that occasion there were present Generals Lee, A. P. Hill, Edward Johnson, Rhodes, and the gallant Stuart. It was doubtless the occasion mentioned in *Dowd's Life*, where it is said that General Lee ordered a general review in Vance's honor, an incident without parallel in the history of the army. On a wide plain near Orange Court House, the army was assembled, drawn up in two confronting lines, awaiting the coming of General Lee and Governor Vance. Presently, cannon boomed, and, amid a storm of enthusiastic cheers, their loved chief and his honored guest rode slowly along the excited lines. Then from an elevated platform Vance spoke.

Holden  
enters the  
field

Vance visits  
the Army

Dowd, 124



Dowd, 125

Bat. Ora-  
tions, 25

Under the influence of his varied imagery, his happy and graphic illustrations, his stirring appeals and deep pathos, his magnificent and resistless eloquence, all were enraptured, inspired and carried away as if by the spell of a magician. If aught of lukewarmness or despondency had been produced by the machinations of a selfish faction at home it vanished as a morning mist before a rising sun. General Lee with enthusiasm remarked that Vance's visit to the army was equivalent to a reinforcement of fifty thousand men, and General Stuart said of this address: "If the test of eloquence is its effect, this speech was the most eloquent ever delivered."

On Monday, the 28th, Vance spoke to Ramseur's Brigade; to Kirkland's on the 30th, and Laws's on the 31st. He doubtless made other addresses.

In February Johnston's Brigade was detached from Rhodes's Division, and stationed at Taylorsville, a hamlet some forty miles north of Richmond, to protect the railroad bridge over the North and South Anna rivers. Vance closed his campaign in the army by an address to Johnston's Brigade during the first week in April.

Walter A. Montgomery, a lieutenant in Company F, Twelfth North Carolina, has written some personal memoirs of the war, and recalls that immense assemblages from different divisions and brigades attended wherever Vance spoke. Governor Vance, he wrote, knew full well the temper and disposition of the soldiers in the trying ordeal of arms through which they were soon to pass, and, full of sympathy for them, he spoke seriously, eloquently and tenderly. His anecdotes were not such as he told in his campaign before citizen audiences to provoke laughter by ridiculing and satirizing his opponents, but they were such as appealed to the higher emotions and were illustrative of the conduct of those who, in the path of duty, meet misfortune and even death with heroism—for love of country and their friends and their honor. Patriotism, fidelity to their living companions and reverence for the memory of those who had died, scorn for those who would betray a trust, the assurance of the gratitude of their countrymen

and, especially, the affectionate appreciation of their services by the womanhood of the South, and the horrors of subjugation were his theme.

Never was an orator more effective. The courage of the soldiers was revived and thousands of the despondent resolved to fight it out to a finish.

### The press

Col. Duncan K. McRae, after resigning from the army, was employed by Governor Vance to dispose of some rosin bonds abroad, and purchase needed stores. On his return he ran for Congress in the New Bern district, there being four aspirants, and Dr. Leach receiving the plurality. A company, of which Governor Bragg was at the head, obtained possession of the debris of the *State Journal*, and was able to repair the press; and Colonel McRae began to publish the *Confederate*, more in line with the Richmond administration than any other paper. Upon the suspension of the writ of habeas corpus, Holden suspended the *Standard*, but resumed in May. The *Progress*, Pennington's paper, on the same line with the *Standard*, continued to press the views of the Ultra-Conservatives. Elsewhere the *Fayetteville Observer*, the *Wilmington Journal*, the *Tarboro Southerner*, the *Western Carolinian* and, indeed, all the other papers were for Vance.

The Confed-  
erate, May,  
1864

On April 20, John D. Hyman began the publication of the *Conservative*. It was a campaign paper in aid of Governor Vance. Every issue was devoted to the advocacy of Vance and to the dispraise of Holden. Holden's political wanderings and vagaries were continually aired, and Vance's every utterance was extolled. If Holden had denounced the oppressions of the Richmond administration, so had Vance—only more so; and so on, to the end of the chapter. The *Register*, edited by Seaton Gales, had been purchased by Mr. John W. Syme of Petersburg, who continued its publication as an administration paper.

After his return from the army Vance made some other speeches: one at Fayetteville, April 22, before an audience that was in entire rapport with him. "His resourceful-



ness," said Richard Battle, his intelligent Private Secretary, "was developed as never before; and I doubt whether any orator of this country, either before or since, has displayed greater variety in his speeches on public issues." At Fayetteville he was at his best. His treatment of Holden was fine; his portrayal of Holden's ingratitude was capped by a couplet:

He come to my house, eat my bread and drunk my tea,  
And run about town and talked about me!

It was known to all that he had sheltered Holden when the Georgia soldiers had sought to hang him, and the effect was to Holden's entire discomfiture.

### **The capture of Plymouth**

April, 1864

After Pickett's misadventure before New Bern the troops assembled dispersed; those from Virginia returning there, among them Clingman's Brigade. Hoke's Brigade remained at Kinston, where the conscripts were daily drilled.

General Halleck supposed that Burnside's Corps at Annapolis would be sent on an expedition into lower Virginia or North Carolina; and General Lee, learning that, suggested that General Beauregard with a portion of his troops might prepare to oppose him. In conference with General Hoke, he projected extensive operations in North Carolina to begin at Plymouth.

Plymouth had been occupied by the Federals about a year, and with the aid of negroes it had been well fortified; strong forts and redoubts being erected, well supplied with artillery, heavy and light batteries; and every appliance of engineering skill had been utilized to make a perfect defense. It was further defended by four gunboats, well manned and equipped. Situated on the south side of the river, with swamps and morasses above and below it, and with a deep creek encircling it on the south and east, the approaches were difficult, and, in addition, the forests in its front had been cleared and the open spaces commanded by the gunboats and forts. General Wessel was in command.

Toward the middle of April was fixed on by Lee for the movement, and a sufficient force was provided. There were Kemper's Brigade; Hoke's under Colonel Mercer, of the Twenty-first Georgia, that had been assigned to Hoke's Brigade; Ransom's, with the Eighth North Carolina, that had been attached temporarily to his brigade; a squadron of cavalry under Colonel Dearing, several batteries of artillery under Colonel Branch, all from Virginia except a section of Company E, Tenth North Carolina, under Captain Miller. Fortunately the *Albemarle* was now nearing completion, and Hoke urged redoubled haste. Forges were erected on her decks, and blacksmiths and carpenters were kept constantly at work even to the last, as she floated down the river, her armor plates not being all in place.

The *Albemarle*

All being in readiness, the troops were hastily assembled at Tarboro and took up their march on April 15, arriving within five miles of Plymouth on Sunday, the 17th, in the afternoon capturing some pickets and routing a cavalry company. General Wessel, learning of the movement, on the night of the 18th sent down the river to Roanoke Island in transports the women and children of the town.

Approaching from the west, Kemper's Brigade and two batteries turned off to engage the fort at Warren's Neck above the town. Hoke's Brigade and Ransom gained the road from Washington, entering the town from the south. The former was in advance, but it moved farther to the west, threatening the town on that side, Ransom being in front at the south. That night Colonel Faison erected works for his artillery to engage the two principal forts defending the town, Fort Anderson to the west, and Fort Williams immediately in Ransom's front. Various movements were made against Forts Warren, Sanderson, and the other points during the day; the lines steadily advancing under a heavy artillery fire. At length the brigades reached the open, nearly a mile wide, that had been cleared up in front of the fortifications. Steadily Ransom's Brigade advanced, his skirmishers driving those of the enemy inside their breastworks. The action, begun almost at sunset, was continued with vigor till ten o'clock, the night being perfectly clear, with a full moon. The air was filled with

The attack

April, 1864



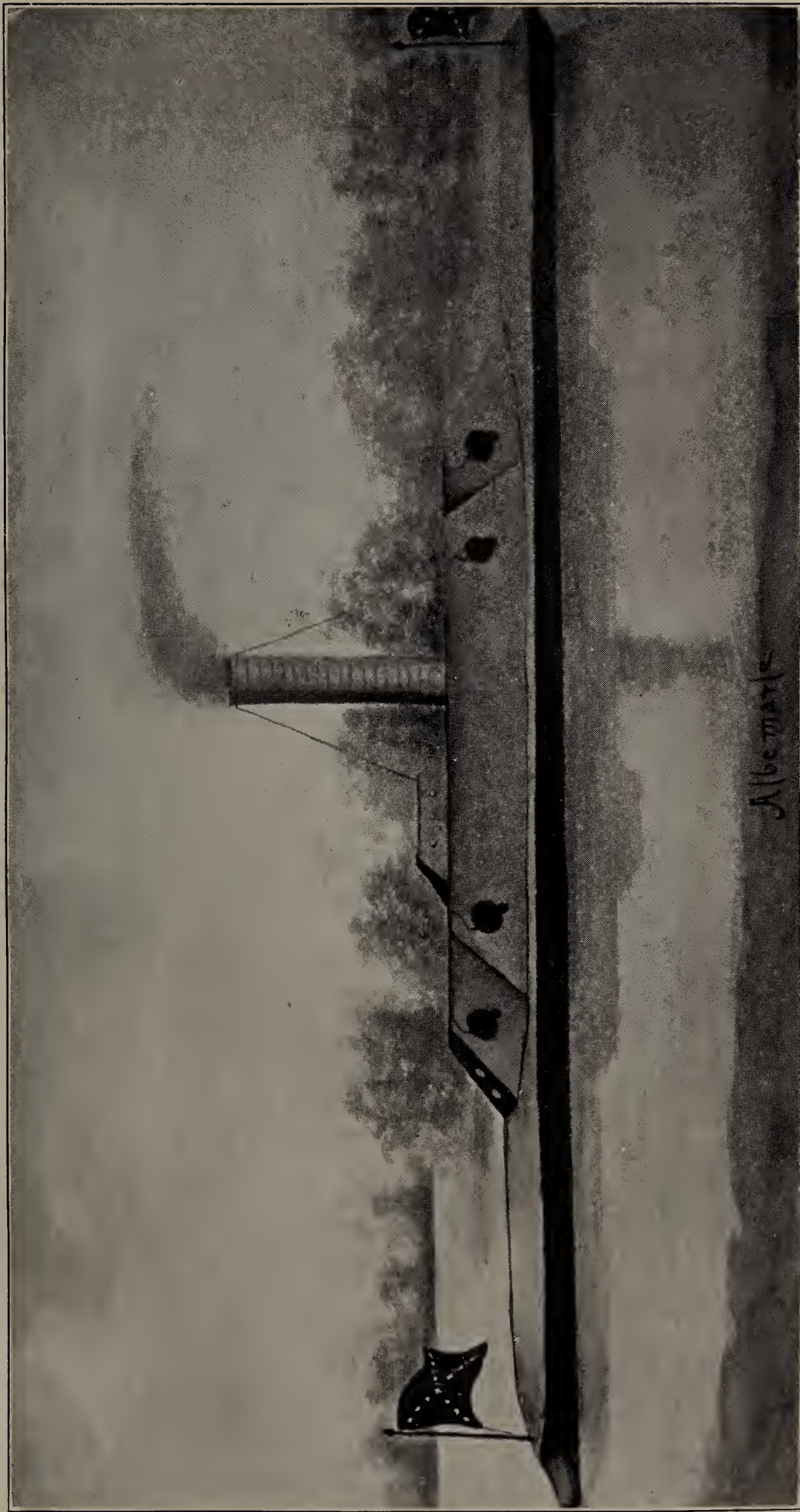
The *Albemarle* in battle

screaming, hissing shells, appearing like comets, the gunboats aiding the batteries. But the *Albemarle* did not come as expected. Farther west Hoke's Brigade gallantly charged on Fort Sanderson, but, although surrounded, it was impervious to assault with its deep ditch, high parapets and strong stockade, and in its defense hand grenades were used with effect. In one of the charges the intrepid Colonel Mercer fell mortally wounded at the head of his men. Finally, the artillery was advanced to within two hundred yards of the fort, which already was surrounded by the infantry, and, its commanding officer being killed, its garrison surrendered. It was about two o'clock that night that the guns of the *Albemarle* and the *Miami* gave notice that the *Albemarle* had arrived. On the morning of April 18, the *Albemarle* left the town of Hamilton and floated stern foremost down to three miles from Plymouth, and anchored near Thoroughfare Gap where obstructions had been placed to prevent her passage. Fortunately a great freshet was in the river, and she avoided the obstruction, and at one o'clock, despite the fire from Fort Warren and from Boyles's Mills, passed on to Plymouth. The *Miami* and the *Southfield*, lashed together with long spars and chains festooned between, steamed up stream hoping to enclose her, but the *Albemarle* steered close to shore, and then suddenly turned to mid-stream, and at full speed dashed her prow into the *Southfield*. The *Miami* at close quarters opened her heavy guns on the *Albemarle*, but without damage. An attempt to board the ram was then repelled: and the *Miami* hastily escaped. The other vessels had not remained to contest with the ironclad, but made good their escape. So on the morning of the 19th, Hoke received this desired reinforcement, and the Federal force was weakened by the absence of the gunboats.

Graham:  
Reg. Hist.,  
Vol. IV,  
175-185

During the next day heavy firing was maintained against the fortifications by the *Albemarle* and by the artillery at Fort Sanderson, now turned against the enemy, and, later, General Hoke made dispositions to assault from the east. While continuing to demonstrate against the western and southern points, he directed Ransom to withdraw and, making a detour of several miles, to approach up the Columbia





*Albemarle*

THE IRONCLAD ALBEMARLE





road that runs near the river. That approach was difficult because a deep stream, Conaly's Creek, had to be crossed, and canals and swamps were additional obstacles, while it was well fortified by Fort Comfort, Conaly Redoubt, and other fortifications. Aware of these obstacles, and probably bearing in mind General Barton's failure to proceed at New Bern, General Hoke gave particular and positive directions to General Ransom, and made every preparation necessary to meet the anticipated difficulties. About sunset Ransom gained the Columbia road at a point five miles from the town, and by dark had reached Conaly's Creek, less than a mile from the forts, finding the bridge destroyed and the stream well guarded by the watchful Federals. Col. S. D. Pool, however, soon got his pontoons in the water, and a heavy detachment crossed and dislodged the opposing skirmishers. By midnight the crossing had been effected and the line formed from near the river across the eastern front, and a slight breastwork had been erected. Skirmishers being thrown out well in advance, throughout the bright moonlight night there were often sharp and terrific encounters; but the body of troops took good rest. At daybreak on the 20th rockets gave notice to General Hoke that Ransom was ready, and Ransom's Brigade being now in position, the movement began. Four batteries galloped forward and opened on the fortification, but the infantry soon passed them, receiving the enemy's fire without returning it. Simultaneously the artillery at the west likewise opened fire, and demonstrations were made both on the western and southern fronts. The Twenty-fourth happened to be on the Columbia road, with the other regiments in line on its right and left, and when only a hundred and fifty yards from the fortifications, the order to assault being given, the men rushed forward, the artillery withholding its fire.

Fort Jones

The first man to mount the parapet of Fort Comfort, the strongest advanced post, was Col. J. P. Jones of the Thirty-fifth, and, later, General Ransom called it Fort Jones in his honor. The Twenty-fourth took the adjoining fortifications. The Eighth captured Conaly Redoubt still farther on, and then pursued the flying detachments to the very moat of



Fort Williams. The Fifty-sixth, under Maj. John W. Graham, after suffering much in their advance, entered the town, driving the enemy through the streets, from house to house, until, passing the western suburb, it engaged the intrenched camp. There, likewise, the Twenty-fourth had penetrated; and the garrison, taken in rear and further resistance being unavailing, surrendered. Major Graham, mounting the breastworks, waved the triumphant standard of the Forty-sixth to Hoke's Brigade, amid shouts of rejoicing.

At Fort  
Williams

On the southern front there still remained Fort Williams, well advanced, where many who had been driven from other fortifications had found refuge. Riflemen took position to prevent the use of its artillery, and the Confederate artillery was posted to assail it. Wessell, with bulldog tenacity, held out, but General Hoke notified him that if he required an assault, with its useless sacrifice of life, not a man in the garrison should be spared. Then Wessell, too, surrendered. Plymouth was taken.

Clark, IV,  
175-185

Among the fortunate results of this most brilliant feat of arms was the cheering effect it had on the people of North Carolina, turning despondency into hopefulness and allaying that spirit of dissatisfaction which some of the Conservative leaders had diffused among the people; and, in particular, it wrested some of the eastern counties from the dominion of the despoilers and revived among the inhabitants devoted patriotism, and opened up a large territory which could supply provisions for Lee's army. The immediate fruits of the victory also were important. There fell into the hands of Hoke 2,500 prisoners, 28 pieces of artillery, 500 horses, 5,000 stands of arms, 700 barrels of flour, and a large quantity of other stores, and, particularly, an immense supply of ordnance stores.

The spoils

General Wessell reported 127 officers and 2,707 men killed, wounded and taken; while the loss of the Confederates was 125 killed and about 500 wounded.

On receiving information of Hoke's achievement, the President sent the following telegram: "In the name of the Confederacy, I thank you for your success. You are a major-general from the date of the capture of Plymouth."

### The Legislature meets

The time for the meeting of the General Assembly, May 17, was now approaching. When the body convened the absence of Governor Graham, who took his seat in Congress May 2, and of Mr. Ramsay was observable, John Berry and Nathaniel Boyden succeeding them, respectively. Theretofore the Conservatives had been very much of a unit. While there were many varying shades of opinion and sentiment they had acted together, united in their opposition to the Confederate administration, and to their old party antagonists, the Secession Democrats, whom they stigmatized as Destructives. Now, a new question had arisen. The propriety of calling a convention of the people of the State to deal with the subject of peace. All wanted peace; all longed for peace; all deplored the continuance of the bloody and distressing war. But while all of that faction persisted in their attitude toward the Confederate administration, now there were divided counsels. It was not that any were willing to abandon the cause. It was not that any were willing to submit to any terms that might be required: but some hoped and expected that some terms might be obtained that would be acceptable. Holden had not declared that he was favorable to a return to the Union, only that he wanted peace. Vance stood for war until independence should be gained. Worth early ascertained that not ten men in the Assembly followed Holden; his dominancy no longer continued. Vance was the leader. Vance's message was lengthy—7,500 words—and while a considerable part was devoted to fault-finding with the administration, 1,500 words were given to the question of peace.

"If," said he, "our enemy were really willing, under any circumstances, to compromise with us upon any terms short of our absolute independence, they would certainly say so, and that to those whom they know to be authorized to entertain their propositions. The insidious attempts to invoke separate, individual State action proves this conclusively, and can have no other intention than to plunge us into civil war and to subjugate us beyond redemption. How strange, then, to think as some of our people honestly do, that the

May 17,  
1864

Vance's  
position



very plan proposed by the enemy for our destruction is the best way to secure a speedy and honorable peace. I respectfully submit that my plan, based on the wisdom and patriotism of Washington and his immortal teaching of history, to strengthen and sustain the army, and negotiate through the proper channels is the safer and better one. . . . I confess I am not of those who seem to think the greatest danger to our rights and liberties is from our own people and our own government.

“While struggling to resist the inevitable tendencies of revolution to destroy civil freedom at home, I cannot forget that the danger from without threatens the destruction of everything; that there comes from the North a rank and bloody despotism, fierce and fanatical, gory with our people’s blood and blackened by the smoke of their burning homes, with hordes of armed slaves thirsting to complete the demoniac work of wasting and destroying, and panting to sow salt in the furrows of the plowshares of desolation, in whose march forms of law, constitutions, free governments, life, home, prosperity, all go down to rise no more till God shall implant in the bosoms of a new generation the principles of liberty and the love of peace, which this in its madness has cast off.”

Vance’s  
views

He recommended that the Assembly should lay down a basis for peace, and call on the Confederate authorities to neglect no fitting opportunity of offering such to the enemy. “I presume that no honorable man or patriot could think of anything less than independence. Less would be subjugation, ruinous and dishonorable. Nobody at the North thinks of reconstruction, simply because it is impossible. With a Constitution torn into shreds, with slavery abolished, with our property confiscated and our children reduced to beggary, our slaves put in possession of our lands, and invested with equal rights, social and political, and a great gulf yawning between the North and the South, filled with the blood of our murdered sons and its waves laden with the debris of our ruined homes, how can there be any reconstruction with the authors of these evils, or how can it be desirable if it were possible? Lincoln himself says it

is not possible; so does Mr. Fillmore, a man whom we once respected, and so do nine-tenths of their orators and presses.

"The only terms ever offered us, contained in Mr. Lincoln's infamous proclamation, were alike degrading in matter and insulting in manner, being addressed not to the authorities, Confederate or State, but to individuals, who by the very act of accepting its terms would have proved themselves the vilest of mankind."

He referred to the brilliant victories that had crowned our army and particularly to the capture of Plymouth by North Carolina troops and extolled the very great loyalty and patriotism of the people within the enemy's lines.

Vance's friends in the Assembly requested him to lay his letter book before the body so that it could be published and the people could see how earnest had been his complaints. Words of praise or sustaining the Confederate authorities were few, but there was no tendency to soften animosities with respect to the enemy. Vance's denunciations on the hustings were repeated with emphasis, while Holden's plan to seek peace in some unusual way was discouraged.

But while Holden had only ten members in sympathy with his peace projects, the habit of the majority of the Assembly to quarrel with the Confederate administration was inveterate. The Governor had called attention to the conscript and exemption laws of the Confederate Congress, and that part of his message was referred to a committee composed of Nathaniel Boyden, Mont. Patton, Thomas J. Pitchford, of Warren, Benjamin Aycock of Wayne, and James Holleman of Person. The last three named made a report, presenting a resolution that "in the opinion of this Legislature, Militia and Home Guard officers, and justices of the peace within the conscript age are not proper subjects of exemption from military duty." The minority report, presented by Boyden and Patton, was accompanied by a resolution that the acts of conscription without the consent of the State are unconstitutional. Mr. Aycock was a staunch supporter of the government. On every roll call his name always led those who upheld the administration. In this report, in which he united, it was declared that "the present is not

The conscript act

Aycock



the time or place to decide on the constitutionality of the acts of Congress." Mr. Boyden went far afield, with much learning about the King and Parliament of Great Britain, and "the gigantic power of conscripting the whole militia of a sovereign state, placing them in the regular army and sending them to distant lands to fight the battles of the Confederacy."

Mr. Aycock's keynote was, "Shall the noble-hearted volunteers in the army in Virginia be suffered to call and die in vain, while a man is left at home who can or ought to render aid?"

The Senate by a small majority sided with Mr. Boyden. On the same line all other similar questions were settled. But at the end of the session, in response to the Governor's recommendations about peace declarations, both houses adopted a resolution urging the Confederate government, after some signal success in the field, to make an official offer of peace on the basis of independence and nationality; and "renewing our pledges of the resources and powers of this State to the prosecution of the war until the independence and nationality of the Confederate States is established." It was Vance's recommendation, and the platform on which he stood for reelection. In the House only eleven members voted against the resolution; in the Senate there was no vote recorded. There was apparently no party seeking a return to the Federal Union: individuals were at points with the administration, in this State as elsewhere. In South Carolina, Barnwell Rhett had retired to his plantation. In Georgia, Vice-President Alexander Stephens, after his unpatriotic speech to the Georgia Legislature, March 16, also sought the quietude of his home. Governor Joseph Brown was too enamored of states' rights to coöperate with enthusiasm with President Davis. Gen. Robert Toombs, after two years of fighting, had resigned and had taken charge of Governor Brown's militia. He, too, on May 10, wrote a long and elaborate exposure of Confederate wickedness. Both attacks on the Confederate administration were published in the *Conservative*. Somewhat later, when Sherman was marching through Georgia, some wicked North Carolinian said: "Bob Toombs, fearing lest the

The action  
of the As-  
sembly

Other states

Georgia militia should fall into the enemy's hands, assembled them at Athens and burnt them up." Certainly that was a mere figment of the imagination. After Appomattox, General Toombs fled the country.

In North Carolina, in 1862, Judge Badger declared that there was no Union sentiment among the people. Some developed in the northeastern counties, when occupied by the Federal forces, and some developed in a part of the region contiguous to Tennessee. There may have been a trace here and there among the Quakers and others. Boldly standing out as a man who had no expectation of ultimate success and having no sympathy with the secession movement was Hon. B. F. Moore, one of the great lawyers of his generation. When Judge Biggs opened the Confederate District Court in 1862 at Raleigh and the members of the bar attended, Judge Biggs desired them to take the oath to support the Constitution of the Confederate States, and Mr. Moore took his green bag and hat and walked out, never to return. But Mr. Moore accepted employment from the State and rendered service notwithstanding his sentiments and opinion.

The Union-  
ists

At Elizabeth City was George W. Brooks, who was of the same mind. Doubtless, there were others, but the number of men who were not favorable to independence was very small.

Many cases were brought before Chief Justice Pearson on habeas corpus at chambers, and the Chief Justice had, in probably every case, decided against the Confederate States and discharged the prisoner. At length, at the June term, 1864, the case of Gen. R. H. Gatlin v. Walton that he had decided as usual, was brought before the full bench at chambers. It involved the validity of the act of Congress, approved January 4, 1864, to put an end to the exemption from military service of those who had theretofore furnished substitutes. Judges Battle and Manly held that the Chief Justice was wrong, and that the act was not unconstitutional. That to some extent clarified the atmosphere. The Supreme Court of the State was no longer a prop to those who habitually denounced Confederate legislation as unconstitutional.

Pearson  
overruled



### Conditions in the State

March, 1864

The State had sold one-half of the steamer *Ad-Vance*; it originally paid for the *Ad-Vance* one-half in cotton, the other half in bonds; and it had one-fourth interest in three other ships. It had sold 4,080 bales of cotton abroad at 204,000 pounds and had there about 1,000 other bales for sale. It had many thousand bales bought and stored in this country to meet its obligations with. It had sold to the Confederate government and others goods to the amount of \$2,500,000; and had on hand goods to the amount of \$1,325,000, consisting of cloth, blankets, shoes, cotton and wool cards, machines and findings and other such merchandise in the islands in transit.

The report of the Adjutant General for the eighteen months ending March 31, 1864, shows that originally there were turned over to the Confederate service 64,636 North Carolina troops, and later the enlistments had been 20,608. That the number of conscripts was 14,460 and the State had in its service 2,903.

The Roll of Honor

The Roll of Honor which the Legislature had ordered was begun under Maj. James H. Foote. In a measure it preserved the details relative to each regiment. An illustration is given: "Regiment A. B.: Volunteers 1,515, conscripts 37, substitutes 16. Total enrolled 1,568. Died in service 289, killed in battle 150, discharged 129, deserted 80, missing in action 30. Total loss 723." The number of men each county furnished to the regiment is stated, and the several battles in which the regiment participated are recorded. The Roll of Honor was thus a most admirable record as to every regiment for which full returns were obtained. The excellence of Major Foote's work received many encomiums.

### Clothing and provisions

The disbursements for clothing for the eighteen months was \$6,862,043. The bounty paid out was \$669,970. The department had paid out over \$2,000,000 for cotton. The troops had been abundantly supplied with comfortable clothing, and, indeed, much clothing had been supplied to troops

from other states. Over a million dollars had been used to purchase provisions, much of which had been supplied to the county commissioners for the poor, there still being on hand provisions to the value of \$410,070.

About a million dollars had been spent in the purchase and manufacture of arms and ammunition, etc. The powder produced at the mill at Raleigh, not otherwise used, was sold to the Confederate government for \$1.75 a pound.

### **The currency**

The banks suspended specie payments in November, 1860, although they had in their vaults over a million dollars in specie, and had out between two and three millions of their bank notes. The State had on September 30, 1863, \$3,325,898, notes, while the Confederate government had issued so many millions of Confederate notes that the country was flooded with them, and they had depreciated so that it took about thirteen dollars in Confederate money to exchange for a dollar in specie; and its value was now declining still more.

In February, 1864, the Bank of Cape Fear was paying one dollar in gold and four dollars in Confederate money for five dollars of its currency; and the Bank of North Carolina was paying one dollar in gold for four dollars of its currency. Bank currency had fallen 75 per cent.

Worth, Vol.  
II, 290

Although the rate of taxation had been increased, as prices had still more largely increased the taxes were easy to pay. Thirteen invaded counties had not paid in their taxes, but the others had fully settled by October 1, amounting to \$1,808,399, while the receipts of public funds for the year were \$15,208,440 and the disbursements were \$15,078,992. The bonded debt September 30, 1864, was \$21,192,000, which represented expenditures for the soldiers, which by March, 1864, had been only \$15,000,000; while the Confederate government owed the State \$4,000,000. But what bore harder on the people than the depreciation of the currency were the taxes in kind imposed by the Confederate government and the impressment of provisions, and even of the slaves, when needed.



### Schools

For the year 1863 the report of the Superintendent of Common Schools is not full, as statistics were reported for only some counties, and these were not entirely perfect. Thirty-six reported 95,259 children of school age. Fifty counties reported 1,176 schools taught; the attendance being 35,495. In forty-seven counties there were 2,145 districts. The receipts in fifty-four counties were \$240,685. The admirable and devoted superintendent remarked in his report: "The future historian will add, as our crowning glory, that in the darkest hour of the Confederacy, when every nerve and muscle of the country were wrought to the highest tension in a terrible and unexampled struggle for existence and independence, North Carolina still supported a vigorous and beneficent system of free and public schools, and that they were attended by 50,000 of the children of her patriotic citizens."

Report of  
Sept., 1863

The Superintendent urged the establishment of graded schools and of higher schools.

The supply of schoolbooks was no longer available, and Mrs. Moore, a daughter of the publisher, Mr. Branson, at Raleigh, prepared a series of primers, readers and other books for use in the schools. Print paper was so scarce that it is said some books were printed on wall paper.

Davidson, Trinity and Wake Forest were suspended and the University had in 1863 only sixty-three students and about the same number thereafter. The students had military exercises.

Saint Mary's and the seminaries at Salem and Greensboro were continued. The building of Peace Institute was finished, but it was used as a hospital.

Salt being so necessary, early an ample provision was made for a supply. Not only were works established along the coast, but the State bought the right to manufacture at the salt beds in Virginia, and wagon trains brought the salt to the different counties of the State.

Salt

**At the east**

Except in the extreme east and extreme west, the war was felt only by its inconveniences and sacrifices and sorrows, and these were borne in a spirit of hopefulness and devotion and without any thought but of success. But in the east, where the country was afflicted by the recurring incursions of the Federal raiders, there was particular suffering. Among the thoughtful officers employed in that region was Maj. John W. Moore, whose home was in Hertford County. Out of his abundant knowledge he has recorded: "The condition of Eastern North Carolina grew hourly more deplorable. Frequent invasions of the enemy resulted in the destruction of property of all kinds. Especially were horses and mules objects of plunder. Pianos and other costly furniture were seized and sent North; while whole regiments of bummers wantonly defaced and ruined the finest homesteads in search for hidden treasure. The 'buffaloes,' in gangs of a dozen men, infested the swamps and made night hideous with their horrid visitations. They and colored coadjutors by all manner of inducements enticed from the farms such of the negro men as were fitted for military duty. No recruiting officers were ever more assiduous or desperate in their measures. To the infinite and undying credit of the colored race, though the woods swarmed with negro men sent back on detailed duty for the purpose of enticing their comrades into the Federal Army, there were fewer acts of violence toward the helpless old men, and women and children than could have been possibly expected under the circumstances.

The buffaloes

Moore's  
Hist., Vol.  
II

"All the murders and robberies, so abundant at that period, were unmistakably traced to the white 'buffaloes.' Almost every white man able to bear arms was absent with his command, and yet the great body of slaves, with freedom offered as a reward for their desertion, remained in faithful and affectionate subjection, and labored for the sustenance of the families at home, while the Confederate tithings and other farm surplus long enabled General Lee to hold his own in the face of the foe. Many colored men became warmly attached 'to the cause of their struggling masters.'"

The negroes



Stanly's  
complaint

Nor are these expressions exaggerated. Even earlier, Edward Stanly, the Military Governor, bore testimony: "That I have offended some is probable; but they were those whose schemes of plunder I defeated; whose oppressions of the innocent and helpless I resisted; whose purposes seemed to have been to join or follow the troops and to encourage and participate in the most shameful pillaging and robbery that ever disgraced an army in any civilized land." And again: "Libraries, pianos, carpets, mirrors, family portraits, everything, in short, that could be removed, was stolen by men abusing flagitious slaveholders and preaching liberty, justice and civilization." Even family burying vaults were broken open for robbery. Such is the evidence of the Federal Governor.

The negroes

Likewise, as to the affectionate adherence of the slaves to their masters' families, the picture drawn by Major Moore is not so strong as it might be. The attachment was personal and mutual. Born together, raised together, associated through life, each animated by a spirit of kindness, the slave and the master or mistress had ties that fostered affectionate devotion. And this fact is at once testimony of the character of the white people and of the effects and influence of African slavery as it existed in Eastern North Carolina.

#### **Movement on New Bern**

General Braxton Bragg was now acting as Commander-in-Chief of the Armies of the Confederacy and was the military adviser of the President, a position similar to that of Lee before Johnston was wounded at Seven Pines. Information had been received by General Lee that Burnside's Corps at Annapolis was destined by the United States War Department to make an expedition into Southern Virginia or North Carolina: but in fact General Grant, on taking command, had arranged differently, and contented himself with transferring 10,000 from Gilmore's force to Butler. The information as to Burnside's expected movement, however, gave alarm at Richmond, and to meet it decided action was taken. General Beauregard was ordered from Charles-

ton to Weldon, and a new department was created embracing the territory south of the James and all of North Carolina, and all troops that could be spared were ordered to report to him. Beauregard reached Weldon on April 22, the day after the capture of Plymouth; and, being now in command, would have called off the expedition against Washington and New Bern had the President not been determined that it should proceed. A part of Martin's Brigade from Wilmington relieved Hoke at Plymouth, and the prisoners and supplies captured were carried to Tarboro, while Hoke proceeded toward Washington. On arriving there an artillery duel began, but on the night of the 28th General Palmer evacuated the post, and Hoke prepared to move on New Bern. On May 1 General Beauregard was at Kinston, and General Hoke requested him to take personal command of the force and make the attack. But Beauregard declined. However, he formulated a plan of attack not very different from that communicated by Lee to General Pickett, which doubtless was Hoke's own suggestion. Hoke had awaited the arrival of the *Albemarle*, but in vain. Now near Kinston was the ironclad *Neuse*, prepared for action, but fast on a shoal, and incapable of being moved until the water in the river should rise.

Roman, II,  
544.

Hoke, on May 2, crossed the Tar at Greenville, the Contentnea Creek at Coward's Bridge, and on the 5th, despairing of naval aid, passed the Neuse on pontoons. Hurrying forward, he crossed the Trent at Pollocksville, and Dearing's cavalry and artillery moved to the south and captured the blockhouse on Brice's Creek that General Barton thought impregnable. Preparations were made for putting into the river that night, within the enemy's fortifications, a pontoon bridge, arranged at first along the bank of the stream, securing it at the lower end and letting the other end swing with the current, carrying it across the river. As Hoke's artillery commanded the other side of the river, the crossing could have been effected with but little loss. But the assault had to be abandoned, for during the night General Hoke received a dispatch requiring him to leave his operations, no matter how far things may have progressed, and repair forthwith to Petersburg. The next morning the with-

Clark, III,  
350

The orders



Jarratt's

drawal began, and, reaching Kinston on the morning of the 8th, the troops were crowded on cars and taken to Weldon. Then, leaving for Petersburg, they reached Jarratt's Station, where Kautz's cavalry had cut the railroad line. That night they marched twenty miles to Stony Creek, and rushed on to Petersburg. Thus, relinquishing a golden opportunity of fame and service, Hoke, by an unparalleled march, reached another scene of action at a most opportune moment.

### The Albemarle fails

Clark, V,  
135

The failure of the *Albemarle* to reach Washington delayed Hoke's movements. It did not come as expected. At length on May 5 the *Albemarle* being in readiness steamed out from Plymouth and entered the sound. On proceeding about sixteen miles she was surrounded by the Federal squadron of seven gunboats, having a total of fifty-five guns. In the battle that ensued the smokestack of the *Albemarle* was riddled, many iron plates of her shield were injured and broken, and her after-gun was broken off and rendered useless. For three hours she was subjected to a terrible fire, and in the midst of it the *Sassacus* rammed the *Albemarle* and, continuing to use her wheel, pressed her side several feet under the water, apparently successfully sinking her. But Cooke was equal to the situation, and soon he righted his ship, and the fight continued. But the thorough destruction of the smokestack resulted in depriving the engine of its draft, so that power could not be generated; and the *Albemarle* lay, almost helpless, a target for the enemy, who sought to foul her propellers with a large fishing seine, to blow her up with a torpedo, and finally to destroy her by casting a keg of powder down her smokestack; but all their efforts proved without avail, and, night coming on and their own vessels having suffered severely, they drew off. Then Cooke, by using bacon and lard as fuel, that not needing so much draft, was able to make enough steam to get back to Plymouth, where she was tied up to the wharf "covered with wounds and glory."

## General Grant

With the year 1864 there was inaugurated a change in the Federal Army that boded the Confederacy no good. Up to then each military district had its commander, all reporting to General Halleck at Washington, and there were seventeen of them, separate and not coöperating. Toward the end of February, 1864, the Federal Congress restored the grade of Lieutenant-General, and President Lincoln appointed Gen. U. S. Grant the Lieutenant-General and invested him with the command of all the military forces of the government. General Lee already had and, to some extent, exercised similar authority. General Grant at once minimized the importance of widely separated operations; and, devising the plan of cutting the Confederacy in twain through Atlanta and combating Lee with superior forces, he withdrew large bodies from distant points and concentrated all available forces in the execution of his plan. Burnside added 20,000 to Meade and Gilmore sent 10,000 to Butler. While Grant made his headquarters with Meade's army, he did not displace Meade as its commander, but gave directions which Meade was to carry out. Similarly, he had authority to give directions to Sherman and all other generals in the field; but as to Sherman, he contented himself with merely being advised of Sherman's plans, which he agreed to.

Grant in  
command

There never was an army more thoroughly equipped at all points than the Army of the Potomac then was. Composed of about 140,000 men, it would have covered a front more than twenty-five miles long. And Grant says in his *Memoirs* that there never was a corps better organized than his quartermaster's corps, with a wagon train that would have extended from the Rapidan to Richmond.

Grant's  
*Memoirs*, II,  
188, 241

Lee's entire army, including the divisions then absent, consisted of about 60,000; and poor supplies of clothing, ammunition, forage for teams—of everything necessary. It was merely an army of veterans. It was the disparity in numbers that gave Grant hope of success, for he proposed to wear the opposing forces away by attrition. He



could lose two to Lee's one, and still maintain the larger force; while he could increase his numbers always at will.

Confederate  
needs

Long, 648,  
649

General Lee was well informed of what was passing on the Federal side, and would have taken measures to interrupt and defeat the general plan of operations, but he was hampered by conditions that he could not control. In January he wrote: "The want of shoes and blankets in this army continues to cause much suffering and to impair its efficiency. In one regiment, I am informed, there are only fifty men with serviceable shoes, and a brigade that recently went on picket was compelled to leave several hundred men in camp who were unable to bear the exposure of duty, being destitute of shoes and blankets." In April, he advised the President: "My anxiety on the subject of provisions for the army is so great that I cannot refrain from expressing it to your Excellency. I cannot see how we can operate with our present supplies. Any disarrangement in their arrival, or disaster to the railroads, would render it impossible for me to keep the army together, and might force a retreat into North Carolina. . . . We have rations for the troops today and tomorrow. I hope a new supply arrived last night." Three days later, April 15, he reported: "If I am obliged to retire from this line, either by a flank movement of the enemy or the want of supplies, great injury will befall us."

Grant's measures required active coöperation along all the Federal lines: by Sherman, by Sigel in the Valley, and Butler, reinforced with 10,000 men by Gilmore. Butler was to seize City Point and operate against Richmond from the south. With these purposes in view Grant brought to his aid every available man, strengthening every column that was to coöperate, as well as Meade's.

Federal  
activities

Lee had Longstreet and Hoke away; the former he recalled. Whiting was brought north, and Beauregard was assigned to the command of Petersburg and the defense of Richmond. Simultaneously with his own movement, Grant directed Butler that same night, May 4, to push on to his task. On the 6th, Butler was in position at City Point and had begun intrenching; and he sent cavalry from Suffolk

and succeeded in cutting the Weldon road. Of these movements, however, Grant was not informed on the day.

### Sheridan's raid

On the 8th of May, when both armies were moving on Spottsylvania, Grant directed Sheridan with 12,000 cavalry to pass around Lee's army, cut his communications and harass him as much as possible, making his way to Butler on the James, and, if practicable, taking Richmond. Stuart, on learning of this movement, threw himself with but a handful of cavalry in Sheridan's path, and in an encounter with a few men at Yellow Tavern on the 10th, received a mortal wound. Sheridan successfully raided Lee's communications, but the small force left to defend Richmond had time to man the lines, and although Sheridan carried the first line, he recoiled from the second, and retired toward the Chickahominy. On the 24th, he rejoined Grant near North Anna.

May, 1864

Death of  
Stuart

On the night of May 3 Grant began his movement from the Rapidan. His route after crossing at Germania Ford was slightly to the southeast, pursuing roads that would carry him to Spottsylvania Court House. Lee at Orange-Court House moved east, approaching Grant's route on two roads, the Orange turnpike leading to the Wilderness Tavern, and the Plank road, about two miles lower down, on which he would reach Brock's road leading south to Spottsylvania. Lee sought to command and occupy the Brock road; and while Ewell with his corps engaged the enemy on the upper road, Lee massed his forces on the Plank road to intercept Grant, and it was there that the heaviest fighting took place.

Grant moves

The North Carolinians engaged were Daniel's Brigade, and Ransom's with Ewell, Kirkland's, Cooke's, Lane's, Scales's with A. P. Hill, and also the Fifty-fifth Regiment, Maj. James Graham. "On May 5, Cooke's Brigade, being the leading brigade of A. P. Hill's Corps, struck the Federal Army at the intersection of the Plank road, along which they were moving, and the Brock road by which Grant was passing: and the battle of the Wilderness began. In the fight

The North  
Carolina  
brigades

The Wil-  
derness



James  
Graham

Reg. Hist.,  
IV, 507

of the afternoon, our loss was severe, being 1,080 out of about 1,800 carried in. On the morning of the 6th of May Grant attacked us in force and broke the troops on both sides, when Longstreet's Corps arrived and saved the day!

Ewell's Corps, which had advanced on an upper road, had likewise struck the enemy. Daniel's Brigade, however, was not engaged. On the afternoon of the 4th Ramseur's Brigade went into camp in "The Wilderness." The next morning it took up the line of march and presently was halted and drawn up in line of battle. "It was," says Cyrus B. Watson, "a beautiful May morning. Some Confederate troops were in our front. Suddenly we heard a heavy volley a few hundred yards in front of us. Soon the woods were filled with demoralized men. Jones's Brigade had been broken and its regiments were quitting the field in the utmost confusion. We halted and let the men pass." Daniel gave the command to advance, and the brigade moved at a quick-step through the underbrush. We had not advanced far when through the dense, thick bushes came an almost deafening crash of musketry. We had not up to this time seen an enemy. The aim was too high and hardly a man in the regiment was touched. Without waiting for a command every gun was leveled and into the line of smoke we poured a terrible volley, and with a shout went at them. On reaching a little narrow thicket, which with clubbed muskets was instantly leveled, we discovered a thin line of the enemy in full retreat, with dead and wounded lying before our eyes, indicating that something like one-half of their line of battle had fallen at our first fire." Such was the opening on Ewell's front, and the battle raged there until darkness intervened and each side withdrew. The battle was continued on the 6th and the 7th.

The thicket

In this first encounter Lee lost 7,000 men, and Grant over 15,000. Lee had but 28,000 infantry present, but the disparity was neutralized by the character of the country in which the operations were being conducted. The Wilderness was an extensive thicket with dense undergrowth of low timbered pines, chinquapins, scrub-oaks and hazel. "A region of gloom and the shadow of death. . . . A land of undergrowth, jungle and ooze where men could not see

each other seventy yards off. . . . Death came unseen; regiments stumbled on each other, and sent quick destruction into each other's ranks guided by the crackling of the bushes. . . . Here, in blind wrestle as at midnight, did two hundred thousand men clutch each other—bloodiest and weirdest of encounters.” It was in this battle that an incident occurred that should be here narrated. The divisions of Heth and Wilcox had been so exhausted during the day that Lee proposed to relieve them by substituting Longstreet's Corps that had been brought from Tennessee in time, and now was but five miles away, and Longstreet was ordered up; but in the early morning the Federal assault was renewed with increased vigor, and Longstreet had not arrived. The situation was critical, till at length Longstreet's Divisions came, making the last mile and a half in parallel columns at a double-quick. The bullets of the enemy were beginning to sweep the field in the rear where Lee was giving directions and assisting Hill in rallying and reforming his troops. Gregg's Texans, coming up, lustily cheered as they swept past Wilcox's disordered columns. “Much moved by the greetings of these men and their magnificent behavior, Lee spurred his horse through an opening in the trenches and followed close in their line as it moved rapidly forward. The men did not perceive he was with them, until they had advanced some distance in the charge. Then there came from the entire line, as it rushed on, the cry: “Go back, General Lee, go back!” and a sergeant seized his bridle rein. “Just then,” says Colonel Venable of his staff, “I turned his attention to General Longstreet, whom he was seeking and who sat on his horse on a knoll to the right of the Texans, directing the attack. He yielded with evident reluctance to the entreaties of his men, and rode up to Longstreet's position, and he, with affectionate bluntness, urged General Lee to go farther back. The Texans went in eight hundred strong and lost half their number on that bloody day.”

Longstreet

Long, 330

Lee

The conditions on that field are illustrated by this incident:

At the battle of the Wilderness a man from North Carolina precipitated a severe fight by asking a very simple and reasonable question. The line of battle had been pressed

McCarthy,  
104



forward and was in close proximity to the enemy. Everything was hushed and still. It was evening and growing dark. As the men lay on the ground, keenly sensible to every sound, and anxiously waiting, they heard the firm tread of a man walking along the line. They heard the jingle of a string of canteens around his neck. He advanced near the line and brought on a terrific fight by quietly saying: "Can any of you fellows tell a man wha' he can git some water?" Instantly the thicket was illuminated by the flash of a thousand muskets, the men leaped to their feet, the officers shouted, and the fight was on. Soon, however, the reserve brigade began to make its way through the thicket. The first man to appear was the brigadier, thirty yards ahead of the brigade, parting the bushes with both hands. Eager for the fight, his countenance lit up with fury, his first word was, "Forward!" and forward the line went.

Hancock  
repulsed

Longstreet  
wounded

When Hancock entered the battle, his corps flushed with easy victory, was attacked with great vigor by Longstreet's fresh troops, who rolled up its right flank at the same time a heavy onslaught was being made on its front. Hancock's Corps was completely defeated and sent reeling back, so that Longstreet afterwards declared that he thought he "had another Bull Run on them." But Longstreet rode forward in front of his advancing line, and was fired on by a portion of his own flanking column, who mistook his party for Federal cavalry. He was struck and fell from his horse severely wounded. This incident, bearing a striking resemblance to the wounding of Jackson in these same woods, put a stop to the advance.

The fire

On being informed that Longstreet was wounded, Lee hastened to the spot and took command in person; but some time elapsed before the assault could be renewed, and in the interim Hancock had been strongly reinforced and had reached intrenchments. The columns of Hill and Longstreet, now under Lee in person, made a vigorous assault, the battle raging with great fury. The woods caught fire, and the smoke and flames enwrapped the field of carnage. Then the wooden breastworks of the Federals became a mass of seething fire, and through the smoke and flames

the victorious Confederates charged, driving out the enemy, who in turn drove them out; and thus ended the action on that part of the battlefield.

Early on the night of May 7, Grant having begun his movement toward Spotsylvania, Lee moved quickly and quietly and occupied that field before him. The topography of Spotsylvania was entirely different from that at the Wilderness. Here there was open country, farms and fields, with ridges and rolling country. Both armies began to prepare intrenchments. On the morning of the 10th the battle began. At three o'clock a severe attack was made by Grant that was repulsed with heavy loss. But it was not until five that afternoon that the chief assault was made. It was repulsed with terrible slaughter. Some 5,000 Federals lay dead on the field. On the 10th the Thirty-second Regiment suffered heavily and Colonel Brabble and many officers and men were killed.

Spotsyl-  
vania

On the 11th it rained hard and there was no fighting; but on the 12th was probably the most desperate fighting of the war. At early dawn the Federals captured the salient of the Confederate works occupied by General Edward Johnson's Division, and in checking them Daniel's and Ransom's Brigades fought with unsurpassed heroism. On a reconnaissance Grant had considered that the position held by Doles's Georgia Brigade could be carried, and accordingly a heavy force was hurled against it. Doles's three regiments were overrun, and the assailants poured through the gap. When the Federals were pouring through the lines and disaster seemed imminent, Lee rode forward and took a position ahead of Gordon's column, then preparing to charge. But Gordon sprang forward and, seizing the reins of his horse, excitedly cried: "General Lee, this is no place for you. Do go to the rear. These men have never failed and will not now." And the men cried out: "No, no, General Lee to the rear. We will drive them back if General Lee will go to the rear." And Gordon at the head of his division sang out: "Forward! Charge!" And the men, carried away with a spirit of devoted patriotism, each man a hero in a sacred cause, offering their lives with a reso-



lution that illustrates the sublimest action of human endeavor, moved forward in their charge.

Daniel's Brigade was to the left of Doles's, and under the pressure of the terrific onslaught when Doles's Brigade was overrun, they fell back with a front perpendicular to the line of works. Suddenly Ewell, the corps commander, galloped up alone, and cried out to the Forty-fifth, "Don't run, boys. I'll have enough men here in five minutes to eat up every d——d one of them." Then Battle's Alabamians rushed by, and they all charged together, and the works were recaptured. It was in this encounter that Colonel Brabble of the Thirty-second fell.

The 11th was quiet; the night was dark and drizzly, the two lines being very close together. Just at dawn the Federals rushed again on the right of the angle, rushing over the line held by Edward Johnson's Division, capturing nearly his whole division. Again Daniel's Brigade was thrown at right angles to the works, and, dropping on their knees, they poured volley after volley into the enemy. A battalion of artillery fifty yards in the rear, and some feet higher, opened fire with grape and canister into the enemy over their heads. The Federals came sweeping down on them, but Ramseur's Brigade moved up, and, enveloped in smoke, the carnage went on for hours, many other brigades participating in the fight. It was there that the lamented General Daniel was killed and Ramseur wounded, and their brigades perhaps did the most bloody fighting of the war.

The Confederates, stretching across the base of the salient, confined the assailants within the triangular area, while the artillery from the surrounding hills hurled shell and canister on them, the dense fog and smoke concealing the interior. From four o'clock in the morning till night the battle continued. Fresh troops were constantly brought up on each side. "Of all the struggles of the war this was perhaps the fiercest and most deadly." As on the 10th, so on this occasion, General Lee rode to the front of a column as it prepared to charge, at a moment when the need was urgent. And again the men called out: "If you will go back, General Lee, we will do all you desire," and made him retire. At last, the Federals abandoned further efforts.

General  
Daniel's  
death

Clark, II,  
531

Long, 541

Grant reported his losses up to May 11 at 20,000 men; on the 12th they were at least 10,000 more. While the Confederate casualties were much less, they lost Johnson's Division.

### Petersburg and Drury's Bluff

General Clingman's Brigade, being on the line of the railroad from Petersburg to Suffolk, was on May 3 called back to Petersburg.

Simultaneously with these movements, Butler began his expected operations. With about 30,000 men he occupied City Point and Bermuda Hundred on the night of May 5. These are at the confluence of the Appomattox with the James: Bermuda Hundred being on the north of that stream, and some eight miles from Petersburg and eighteen in a direct line from Richmond. The lower courses of both rivers are tortuous and the streams deep and wide. The railway ran almost due north from Petersburg to Richmond, and about a mile west of Drury's Bluff, which was the naval station, about seven miles below Richmond and fortified with intrenchments. At Walthall Junction, six miles from Petersburg, the James comes within three or four miles of the railroad. Butler, unopposed, proceeded on the 6th to intrench himself on the narrow neck between the two rivers, about three miles from the railroad. There was but a very small force at Petersburg and Drury's Bluff. Butler threw out at once a brigade to destroy the railroad at Walthall Station. A few companies of Hagwood's Brigade hastened from Petersburg, and as they jumped from the train they saw the enemy advancing only a thousand yards away. The engagement resulted in the Federals retiring. The Fifty-first North Carolina, under Clingman, also reached the scene, and, during the night, General Bushrod Johnson, having heard the firing, came from Drury's Bluff with eleven hundred men, and Hagwood arrived from Petersburg with fifteen hundred. When the battle was renewed the next morning the Federals were driven off with the loss of about a thousand men, and Petersburg was saved from capture. On the 7th Clingman was recalled to meet a

May 3

Butler moves

Walthall  
Station

May, 1864



At Rich-  
mond

column advancing on Petersburg by the City Point road; and on the 9th, with his own brigade and another, he made a reconnaissance on that road and struck the enemy about two miles and a half from the city. Butler, failing in this movement, continued to intrench himself. The alarm at Richmond was now at fever heat, and it was increased by the approach of Sheridan with twelve thousand cavalry and the calamity of the death of the brave Stuart, who had fallen at Yellow Tavern. It seemed as if it had been thought that orders for the assembling of reinforcements could be instantly carried into effect, whereas transportation facilities were lacking and the railroad line interrupted. Only about four thousand men could be mustered at Richmond. The peril certainly was great.

Hoke

Drury's  
Bluff

Clark, III,  
136

But Hoke's activity in North Carolina and the unsurpassed quickness with which his victorious brigades were transferred to Petersburg saved the situation. Then Butler was cautious. Abandoning the attack on Petersburg, he turned to Drury's Bluff. On the 10th both Beauregard and Hoke reached Petersburg from Weldon; and troops continued to arrive. On the morning of the 11th Hoke moved out from Petersburg with six brigades and eight batteries to fight his way, if necessary, through to Drury's Bluff, and he succeeded in reaching there. On the 13th the Federals, being now ready, assaulted the Confederate outer lines around Drury's Bluff. Gen. Matt. W. Ransom with his brigade held the extreme left, where the principal attack was made. As the first assault was being repulsed in front, a Federal force that extended beyond Ransom's right passed beyond him and opened a galling fire from the rear. The Forty-ninth and Twenty-fifth North Carolina leaped over the works and poured a destructive volley into the ranks of the flanking party, under which the Federal line melted away. The day was won, but in the encounter General Ransom was so severely wounded that he had to relinquish his command. Hoke, however, withdrew to an inner line, and in that movement the Fifty-sixth was hotly assailed and lost heavily. At Petersburg, General Whiting had arrived and, Pickett being ill, Whiting was given his command. General Beauregard, having taken order for the

defense of Petersburg, with an escort of 1,000 men proceeded to Drury's Bluff, having to make a wide detour, and to squeeze in between Butler's force and the river, which he fortunately succeeded in doing, arriving at three o'clock in the morning.

Robert  
Ransom

The lines were now very close, the pickets being in rifle pits, and they could be relieved only at night. It was while on picket duty here that Capt. Thomas J. Jarvis received the wound that disabled his arm through life.

Both General Bragg and President Davis came to confer with Beauregard; but it was not until the 15th that Gen. Robert Ransom's force of 5,000 men at Richmond was ordered to Drury's Bluff, augmenting Beauregard's force there to 15,000. These he hastily threw into three divisions, under Ransom, Hoke, and Colquitt; and, proposing to strike the enemy at daybreak on the 16th, he sent instructions to Whiting, to take position on Swift Creek with the brigades of Wise, Martin, and Dearing, and with two regiments of Colquitt's and twenty pieces of artillery; and "at daybreak you will march to Port Walthall Junction, and when you hear an engagement in your front you will advance boldly and rapidly, by the nearest road in the direction of the heaviest firing, to attack the enemy in rear or flank."

Orders to  
Whiting

With Whiting was Gen. D. H. Hill, serving as a volunteer aide on his staff, and with Beauregard was Col. T. M. Logan, as a volunteer aide. Colonel Logan had been sent by Beauregard to carry his order to Whiting, and he remained with Whiting that night. In the morning Logan and General Hill urged Whiting to obey Beauregard's instructions and advance and attack, but in vain. Colonel Logan wrote: "General Whiting, however, could not be induced to advance, and while intimating that he would do so later in the day, when he felt that he could do so with safety, both General Hill and myself felt perfectly satisfied that for some reason he would not do so."

Roman, 558

Martin's Brigade was with Whiting and Wise's. Charles G. Elliott was temporarily on Whiting's staff. He says: "General Hill, General Martin and General Wise urged him to go forward, but he would not give the order." It is remarkable that General Martin did not put Whiting under

Reg. Hist.,  
Vol. IV, 530



Roman, 209

arrest, assume command, and obey the order. General Wise said of Whiting: "He was an able and brave officer, and failed only from his too long indulged habit of inebriety. Had he been sober that day General Beauregard would have achieved the most decisive victory of the war." Indeed, had it been so, "Lee would have had his 45,000 in Grant's front, with Beauregard's 20,000 on his left flank and rear." And under those conditions the result would have been of great importance.

The force

The left was assigned to Ransom and the right to Hoke. Thus the battle was fought by these two North Carolina major-generals, and there were on the field Ransom's, Clingman's and Hoke's Brigades, while elsewhere there was Martin's. In Ransom's Division was Hoke's Brigade under Gaston Lewis. At daybreak on the 16th, notwithstanding a dense fog, Lewis opened the battle, and was followed by Gen. Bushrod Johnson on his right. Hoke then moved in Clingman's and Corse's Brigades. Rushing over the enemy's rifle pits, they charged the main line of battle, and broke the line, but themselves suffered from the heavy columns that remained on their flanks, and were obliged to withdraw to their first intrenchments. But Butler realized that his movement had failed; and, as his position was perilous, he determined to withdraw.

Whiting  
fails

Whiting had advanced beyond Walthall Station, and at nine in the morning of the battle, Beauregard telegraphed him: "All has been going on well. Ransom is driving them on the left. We are pushing them on our right. Press in, and press over everything in your front, and the day will be complete." And again at four in the afternoon, Beauregard sent him a dispatch: "The enemy has been driven back on our right. Corse and Clingman have moved to the line of works on the hill west of the railroad. We are about making a general advance with all forces. Can you not aid in this movement at once?"

All during the day Beauregard waited with impatience for Whiting to advance, but in vain, and at four o'clock in the afternoon, he realized that Whiting had failed him, and his plan to crush Butler and capture his army had miscarried. That night Beauregard informed General Bragg:

"The movement will be prosecuted without variation, commencing at daylight in the morning, and I hope to have the coöperation of General Whiting."

On the night of the 16th Butler began to retire, Beauregard in pursuit. At one o'clock of the 17th Whiting joined Beauregard who, after a severe engagement, drove Butler back into his intrenchments at Bermuda Hundred. Across the neck near Dutch Gap Beauregard erected a line of works known as the Howlitt Line, and Butler being confined by that, he was bottled up. When on the 17th Whiting reported to Beauregard, on whose staff he had served in preparing to attack Fort Sumter, there were subsisting between them most cordial relations, he expressed sincere grief, accepting the blame, admitted his error and asked to be relieved from his command. Accordingly, Beauregard assigned him to the command of the Petersburg District, and assigned Gen. D. H. Hill to the command of his division. But while Beauregard was of that kindly disposition, Bragg, a strict martinet, never afterwards placed reliance on Whiting.

Butler  
bottled up

### **Cold Harbor, 1864**

After the repulse of Grant at Spottsylvania he remained inactive till the 18th of May, when two fresh divisions ten thousand strong came up and assailed Ewell, who drove them back with heavy loss. He now readjusted his army and sent back to Washington over one hundred pieces of artillery with their horses and caisson. Then, a few days later he again largely reduced his artillery. Having received reinforcements to the number of forty thousand, about his loss, on the 20th Grant silently withdrew. Lee, divining that his objective point was Hanover Junction at the intersection of the railroads on the North Anna, himself occupied that position on the 22d, and when Grant arrived on the 23d he found Lee well intrenched. After an ineffectual attack, Grant, on the night of the 26th, withdrew and moved to the Pamunkey; and Lee, keeping pace with him, took post on the Totopotomoy, in the neighborhood of the Chickahominy. On the night of the 30th Lee's left was near



Atlee's Station on the railroad, about three miles north of the Chickahominy, and extending down parallel with that stream; while Grant's advance lay near his immediate front, south of the Totopotomoy, and north and east along the Pamunkey.

After Butler was bottled up the brigades of General Clingman and General Martin, along with those of Colquitt and Hagood were associated as a division and assigned to Major-General Hoke: and on the night of May 30 this division was directed to proceed to Richmond, and then to join Lee. Hoke reached the vicinity of Cold Harbor on the afternoon of May 31, and Lee's line, not having been extended to that point, when Grant's column approached Hoke and the cavalry received the shock of the first encounter. But they held their position and soon Lee's infantry came up and the lines were established. On this occasion Capt. Edward White, the brave, gallant and efficient Adjutant General of Clingman's Brigade, was wounded, and Capt. W. W. Burgwyn succeeded him. The brigade at once began to intrench in its new position, using bayonets and tin cups as their implements. About five o'clock in the afternoon of the 1st, a large force having gained Clingman's rear and approached, Clingman faced to the rear and drove them off. In this encounter Captain Burgwyn was himself wounded, and Lieut. Col. John R. Murchison, leading his regiment, fell in the attack. Martin's Brigade was on Hoke's extreme right, when just at dawn the enemy advanced. It was a great Confederate victory from the start, but Col. Alexander Duncan Moore of the Sixty-sixth fell—a most brilliant officer. Farther down the line in Heth's Division, Cooke's and Kirkland's Brigades were engaged. General Lee telegraphed to the Secretary of War that they had handsomely repulsed the enemy. Then Hill's Corps was placed on Hoke's right, and the battle of the 3d opened. On that day, General Lane having been wounded, Col. John D. Barry commanded the brigade, and continued in command of it for some months, as temporary brigadier-general.

In the battle of Cold Harbor, running through three days, North Carolina had ten brigades, Martin's, Clingman's, Grimes's, Cox's, Johnston's. Kirkland's (under McRae),

Hoke's  
Division  
Holds Grant

Death of  
Murchison

Death of  
Moore

Lane  
wounded

North Caro-  
linians

Lane's (under Barry), and Hoke's (under Lewis), and besides six more regiments, containing more than a fourth of Lee's army; and North Carolina brigades opened the battle and were at its close. Hoke's ground was never changed. It was the important key to the position. At that time General Lee was ill, and had been for some days. As he could not be on the line, and as Hoke's Division was composed of men who had not been with the Army of Northern Virginia in its trying vicissitudes, Lee felt uneasiness lest they might not be as steady as his tried veterans, and, knowing that they would have to stand the brunt of the assault, he sent to Hoke asking him to come to his tent and see him. Hoke, however, replied that he was expecting an attack momentarily and could not then leave, but that General Lee need not be under any apprehensions. After the attack had been repulsed Hoke hurried to the tent, and found Lee on his cot sitting up, and, despite his illness, "bold and with the spirit of a game cock"; and that, indeed, was the key to Lee's military character and achievements. Lee's line, with some 45,000 men, was from the Totopotomoy to new Cold Harbor; Grant's 110,000 men were massed from Bethesda Church through old Cold Harbor to the Chickahominy. While Grant prepared to assault all along the line, his principal attack was to be by Hancock, Wright and Smith on his left. Grant ordered his corps to move at half past four. Necessarily much time was consumed before the near approach; and by half past seven the fighting was over. At every point he met with the same disastrous results. On the Confederate right where Hoke's Division was, and others equally effective, rank after rank of the assaulting columns was swept away, and as attack followed attack the Federals fell in thousands under the murderous fire of the steady Confederates. The dreadful carnage lasted but a short hour, and thirteen thousand lay dead and dying on the field. Later, an order was given to renew the assault. It was transmitted to the men, but was not obeyed. Not a man stirred. The troops stood silent. At eleven o'clock Grant visited his front, conferred with his commanders, and was advised that they could not succeed; and at 12:30 he issued an order suspending the advance. The Confederates lost but little more than one thousand men.

Hill, 251

Lee and  
Hoke

Biog. Hist.,  
I, 317

Grant's  
Memoirs, II,  
272

The Federals  
decline

Long, 348



## CHAPTER LIV

### GRANT HELD IN CHECK

Early moves on Washington City.—Grant's new plan.—Petersburg.—Clingman in time.—Lincoln's Gettysburg address.—His reply to peace propositions.—His answer to Holden and Worth.—The campaign.—The result.—The State election.—Reams Station.—The capture of the *Ad-Vance*.—Cushing.—Destruction of the *Albemarle*.—In the army.—Battle of Winchester.—Death of Ramseur.—The Assembly meets.—The Junior Reserves at Belfield.—Butler's Bridge.—Election at the North.

#### Raid on Washington

Ramseur

June, 1864

General Early, having succeeded to the command of Ewell's Corps, Ramseur was promoted to be Major-General and given Early's Division. On June 13 Early was directed to take his corps to the Valley to withstand Hunter, and with him were Grimes's Brigade, Johnston's Brigade, and Lewis's, then commanded by General Godwin; and the entire cavalry was commanded by Maj.-Gen. Robert Ransom. In this corps were fourteen North Carolina regiments of veteran infantry, and Ransom was major-general. After the Valley was cleared Early crossed the Potomac on July 5, and threatened Washington. At Frederick he found Gen. Lew Wallace with a force of ten thousand men, about equal to his own; but he brushed it aside and after the fight the Federals spread the rumor that they were overcome by thirty thousand Confederates. Early, with Ransom's Division, now proceeded by rapid marches to within cannon shot of Washington, where the greatest consternation prevailed. The Confederates took position at Silver Springs, Montgomery Blair's residence on Seventh Street extended, and Mr. Lincoln himself went out on the lines. The clerks were organized into companies, and engaged in the defense while troops were being hurriedly brought to the city. But Early had then only about eight thousand men, and he could not have held the city had he entered it. He succeeded in his purpose to withdraw Federal troops from other points to the defense of the Capital and then he returned to the Valley.

**Grant's new plan**

After Cold Harbor Grant determined not to assail Lee again, but to seek to cut Richmond off from the South, and to that end he proceeded to transfer his army to the south of the James. Smith's Corps was first dispatched to join Petersburg Butler, followed by Hancock, and an attack was made on Petersburg early on the morning of the 15th of June. The movement had been veiled in secrecy, so that no additions had been made to Beauregard's meager garrison holding his extended lines of advanced earthworks. But the assault was not sufficiently pressed and was defeated. Early in the morning of the 16th the brigades of Hoke's Division, after a forced march, arrived just in time to man the lines, for on that evening Grant in person, with seventy thousand troops, moved to the assault. Clingman's Brigade had been the first to arrive, and held the lines against all assaults unaided, until Ransom's Brigade reached the works that night. Clark, IV, 495

For three hours the battle raged furiously along the whole line with varying success, nor did the contest subside until after nine o'clock, when it was found that Birney, of Hancock's Corps, had effected a serious lodgment. For two days now there was a constant conflict; charges and counter charges, all highly creditable to both armies, but so confused as to defy description, save that the Confederates were driven in. "At dusk the Confederate lines were pierced and, in the disorder, disaster was imminent, when suddenly in the dim twilight Gracie's Alabamians, mounting from ravines in the rear, with fierce cries swept over the works, captured fifteen hundred of the enemy and drove the others pell-mell from disputed points. Then the battle raged with great fury until past midnight and Beauregard was in trouble, when a courier galloped up with a note from Hoke that he had easily repulsed Smith and could lend a helping hand. Beauregard now selected a new and shorter line in the rear, which was occupied and held until the defense closed. On the 18th Anderson's and Hill's Corps arrived, and came into the Confederate works—division after division, battery after battery, among them being Cooke's, Lewis's, McRae's and Scales's Brigades—and the Army of Long, 373

Ibid., 374



Northern Virginia was again in front of the Army of the Potomac.

In these four days of unequal contest Grant admitted a loss of more than ten thousand men. It was but a repetition of his former experience. Grant's purpose to transfer his army beyond the James being comprehended, the Confederate cavalry was ordered to harass him in making the movement. On the 7th of June the North Carolina brigade, First, Second, Third and Fifth Cavalry, under Gen. Rufus Barringer, who the day before had been commissioned Brigadier-General, hastened to the lower fords of the Chickahominy. During its rapid movements it had severe skirmishes at five points, indeed wherever it could strike the enemy. By the 18th the brigade had passed from before Richmond and taken position two miles south of Petersburg.

On the 18th of June General Lee, having arrived at Petersburg, was in command, but Beauregard continued with him till the middle of September. Grant now settled down to the siege of Petersburg, which became largely a trial of endurance. The North Carolina troops, like those from other states, all behaved admirably. Martin's Brigade occupied the salient in front of the Hare House, called "Fort Steadman" by the Federals, and "Colquitt's Salient" by the Confederates, for Colquitt's Brigade was the relief of Martin's. When Martin's withdrew to recuperate after three days service, Colquitt's went in; and vice versa. Before many days General Martin became so physically weak that he had to be relieved by Colonel Zachary, and in August Gen. W. W. Kirkland was assigned to the command. Malarial fever, diarrhea, scurvy, and other diseases, casualties from shot and shell, soon thinned the ranks. The lines there were closer than elsewhere, and while the sharpshooters were constantly at work, mortar shells rained down incessantly. On June 20th there were 2,200 men reported in the brigade. In September when relieved the total force was 770 living skeletons. There was no shelter from the sun or rain. The rations consisted of one pound of pork and three pounds of meal for three days. No coffee, no sugar, vegetables, tobacco, nor grog, only a little meat and bread. No food could be cooked there, but the scanty provisions were

Barringer

June, 1864

The siege

Colquitt's  
Salient

brought in bags on the shoulders of men from the cook yards some miles in the rear. "No wonder," said Lieut. Charles G. Elliott, "that the list of officers in the brigade was reduced to three captains and a few lieutenants." The brigade was commanded by Capt. George B. Daniels of Granville County, and Elliott was the only staff officer. While such was the condition with Martin's Brigade, it was similar as to all other brigades. What horrors could the heroic souls of Cooke's, Lane's, Clingman's, McRae's, Ransom's and Scales's and of every other brigade reveal! On the 30th of June General Grant exploded a mine along the Confederate line, and thousands of Federal troops rushed into the crater. The Twenty-first North Carolina and the Twenty-fourth, Twenty-fifth, Forty-ninth and Sixty-first were among the regiments that drove the enemy back. The chief result was a loss of 3,500 lives to the Federal Army.

Hill, 266

Clark, IV,  
535

The mine

June 30

On the 16th of August Lane's Brigade, under Colonel Barbour, recaptured the intrenchments on the Darbytown road, in the presence of General Lee, and on the 19th of August Clingman, in an attack on Warren's Corps, was so seriously wounded that he was never able to rejoin the brigade, Col. Hector McKethan of the Fifty-first taking the command.

### Mr. Lincoln's address

While the campaign was in progress, on July 4, 1864, at Gettysburg Cemetery, Mr. Lincoln made a notable address, closing with a remarkable illustration of excellent rhetoric. He said: "We here highly resolve that those dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people and for the people shall not perish from the earth."

One would look in vain in the Federal Constitution for the word "nation" which Mr. Lincoln here used. He wandered outside the Constitution. As he was not advocating constitutional government, it may be unnecessary to say that constitutions in popular governments are adopted to protect minorities from the arbitrary action of majorities.



Government  
by force, not  
consent

No one had been proposing to interfere with the government existing between the states that remained in the Union; no one was proposing that popular government should perish from the face of the earth. On the contrary, millions of people, the inhabitants of a vast territory, were asserting the doctrine of government of the people, for the people, by the people; and Mr. Lincoln was engaged in opposition; and his utterance was in aid of his purpose to destroy the right of people of great states to self-government. His purpose was fixed. In the name of popular government he was seeking for government by the heaviest artillery, and such was his "new birth of freedom." But as to popular government in the seceded states—occupied, as to the whites, exclusively by the kith and kin of those who had originally settled that part of the continent, by men of the blood of Washington, Jefferson, Patrick Henry, the Lees, and their illustrious associates, the staunch patriots of the New World—Mr. Lincoln ever declared like Cato, *Cartago delenda est*; and, naturally enough, when the heaviest artillery had prevailed the Congress declared that the conquered had no rights that the conquerors were bound to respect. Mr. Lincoln was then dead and did not see the full consummation of his work.

However, the Southern men who were agitating for peace had not been misled by President Lincoln. They did not look to him, but claimed to look beyond him to the people of the North. His skirts were free from any taint of dissimulation. Having, by denying to the South any constitutional guarantee, created the basis of the secession movement in the cotton states, and, later, having forced the non-seceding Southern States to withdraw from the Union, he never offered any hope of arresting the bloodshed except by submission. He viewed the action of eleven great states, based on their claimed sovereignty, and almost unanimously sustained by their inhabitants, as a mere insurrection; and disregarding the Constitution, relying on superior force, resolutely determined to persist to the last extremity, without blandishment or suggestion of accommodation. He never misled any one in North Carolina. A few days after his Gettysburg address Mr. Lincoln gave answer to Holden

and Worth, by calling for five hundred thousand more volunteers to enforce his purpose. He offered no comfort to those Conservative leaders who were quarreling with the Confederate government for seeking to conserve the power and authority of the Confederacy they themselves had concurred in establishing.

Indeed, Mr. Worth ever asserted that he did not look to the Federal administration for peace but to the mass of citizens at the North; and while his notion was apparently impractical, yet it is to be observed that after Grant's great losses there was a widespread feeling at the North for peace; and it has been said that some of the leaders in the administration themselves were about ready to make the demand on Mr. Lincoln. Then something occurred to arrest the movement.

Inferentially, Mr. Lincoln made a more pointed answer to the question that Worth and Holden had asked, when on July 18, 1864, he wrote with reference to the proposition of Clay, Holcombe, and Sanders: "Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery" will be met by liberal terms on substantial and collateral points.

Lincoln's  
terms

Holden had sought the favor of slaveholders in his behalf on the suggestion that by obtaining some peaceful settlement they would retain their property. This announcement by President Lincoln not only required the abandonment of independence but the relinquishment of slave property, accompanied by the apprehended social evils that might ensue. It closed the door to Holden's hopes. His advocacy now had nothing to rest on but his denunciation of the Confederate authorities and a willingness to abandon the struggle. And, what further weakened him, there was brought to the surface the workings of a secret society, calling itself the Heroes of America, that had been introduced among the inhabitants of many counties in the central section of the State, the object being to obtain personal security from the enemy, and some of those initiated declaring that they were to vote for Holden. From time to time the *Conservative* published affidavits made by members with the effect of discrediting Holden as a patriot; and, indeed, some

Holden

The Heroes  
of America



claimed that he was a member and had been bribed to betray the Southern cause. This was an additional weight for him to carry in the race. On the other hand, the publication of Vance's correspondence with President Davis and the Confederate authorities caused some revulsion among those who would otherwise have supported Vance. An eastern correspondent of the *Conservative* mentioned that some would vote for Holden in preference. To some others Vance's previous attitude was, indeed, a bitter pill.

On July 23 a raid was made on the State salt works by the Federals, and General Whiting reported that two-thirds of the conscripts employed there were members of Holden's treasonable organization and he had discovered their mode of communicating with the enemy. At the election, fifty-three of them voted for Holden and only three for Vance.

Kirke's raid  
June, 1864  
Death of Avery

While the political campaign was in progress an unfortunate affair in Western North Carolina stirred the people of the west and intensified their patriotism. The Western North Carolina Railroad was finished only to a point near Morganton, and its extremity was Camp Vance, where almost a hundred of the young conscripts were gathered for training and where there was a considerable quantity of stores and provisions. Col. George W. Kirke, a Federal partisan, who had long been active on the border, having a force of some three hundred men, left Morristown on June 13, with the purpose of burning the railroad bridge over the Yadkin and setting free the prisoners held at Salisbury. Some ten days later they crossed the mountains, and on the 28th of June they surprised Camp Vance and captured the whole force there, and, at the head of the road, took possession of a train and the depot. At once the news spread throughout the country and a force was organized to attack him. Kirke retired to Brown Mountain, about fourteen miles from Morganton, but after a slight engagement there, he withdrew to the foot of Repskin Mountain and went up the winding stairs road, two miles from Loven's Cold Spring. At daybreak the Confederates approached, and in the desultory firing that ensued Col. W. W. Avery and several others were wounded, and three days later Colonel Avery died. Kirke then returned to East Tennessee.

The death of Colonel Avery was deeply lamented. He was one of the most esteemed men of his generation in the State.

### The election

The fateful days of August were now approaching. The great issue was with the people: Shall North Carolina continue to stand for independence or yield her freedom and desert the people of the South?

Aug., 1864

While the *Conservative* was doing yeoman's service for him, and all the other papers, except only the *Progress*, were advocating him, Vance himself made a strenuous campaign, speaking at the towns, and more particularly in the central counties. His addresses were always of great power and effect, such only as Vance himself could make. And as the campaign went on, Vance gave rein to his noble, generous impulses, and became more and more pronounced as a Confederate. Worth wrote: "I have as much abhorrence for war as any Quaker. I regard it wholesale murder, and hence I hate the accursed Abolitionists and the scarcelessly less accursed Secessionists who brought on this war, and would trust neither. The election of Governor Vance will be a triumph of the latter faction, and will, I fear, place them again in the ascendancy in the State. I feel no zeal in this election and intend to take no active part in it. The most reliable and zealous supporters of Vance are the most ultra fire-eaters." However, Holden had many friends. He was ever astute, skillful, wary. He knew the chords to strike. But as the leaders in the Assembly had fallen away from him, so did their friends and followers at home. The Conservatives no longer trained with him. While all were in sympathy with his desire for peace, they saw that his propositions were chimerical. Still the issue was uncertain. There was doubt, even to the last; doubts that were intensified by apprehension. It was a personal contest, but the cause of the Confederacy was involved. When at length the vote was taken on August 4 North Carolina vindicated herself. Holden received some slight majority in the three counties of Johnston, Randolph, and Wilkes: in eight counties he received fewer than ten votes. In Wake, where he

Worth, II,  
397



had long been the dictator, he was beaten by three hundred votes. Of the 72,526 votes cast, he received only 14,471, nor did this indicate other than that fourteen thousand men were weary of war, its sorrows and privations—not that they desired to return to the old Union. The election for Assemblymen was similar in its results. Seldom was there such a change in the personnel of the Legislature. Twenty-eight new members were returned to the Senate and about fifty new members to the House. While not all who had been unduly captious were retired, the Legislature now was responsive to the Stars and Bars of the Confederacy.

### Reams Station

August 22

North Carolina  
brigades

Lee's tribute

On the 22d of August Hancock's Corps was met at Reams Station on the Weldon road by A. P. Hill, who had Scales's, Lane's, Cooke's and McRae's North Carolina brigades and four other brigades; and General Barringer commanded W. H. F. Lee's Division of cavalry, Colonel Cheek having Barringer's Brigade. The result was a brilliant feat of arms. Hill captured twelve stands of colors, nine guns and 3,000 stands of arms. Hancock lost between 600 and 700 killed and 2,150 prisoners, while Hill's loss was only 750, chiefly in Lane's Brigade. General Lee repeatedly declared that the whole Confederacy owed a debt of gratitude to Lane's, Cooke's and McRae's Brigades that could never be paid. On the fourth day after the battle Lee turned from the mass of details pressing on him and wrote to Governor Vance a letter of appreciation. "I have frequently been called upon to mention the services of North Carolina soldiers in this army, but their gallantry and conduct were never more deserving of admiration than in the engagement at Reams Station on the 25th ultimo. The brigades of Generals Cooke, McRae and Lane, the last under the temporary command of General Connor, advanced through a thick abattis of felled trees under a heavy fire of musketry and artillery, and carried the enemy's works with a steady courage that elicited the warm commendation of their corps and division commanders and the admiration of the army. On the same occasion the brigade of General Barringer bore

a conspicuous part in the operations of the cavalry, which were no less distinguished for boldness and efficiency than those of the infantry. If the men who remained in North Carolina share the spirit of those they have sent to the field, as I do not doubt they do, her defense may surely be trusted to their hands."

Major Stedman, in closing an account of this battle, adds: "Unshaken by the fall of Vicksburg and the disaster of Gettysburg, undismayed amidst the general gloom which was settling upon the fortunes of the South, these North Carolina regiments exhibited the same enthusiasm and valor which had marked their conduct upon every field where they stood for the honor, glory and renown of their State."

Toward the middle of September Hoke's Division was moved across the James to hold the defense of Richmond from attack in that quarter. That division, not being attached to any corps, was a separate command, and this service brought General Hoke into still closer association with General Lee, whose confidence in General Hoke and appreciation of his wisdom and excellence continued to increase.

#### **The capture of the *Ad-Vance***

The *Ad-Vance*, having made seven trips, was preparing to go out again, early in September, 1864. She was the fastest, largest and best of the blockade-runners. Her captains, Colonel Crossan for the State, and Captain Wright, a Scotchman, the English captain, and her officers and crew were excellently trained in the business. Her usual trip was to Bermuda—sometimes to Nassau—once to Liverpool. She made her trips with such regularity that her arrival on the day was expected.

She brought in generally enough English coal for the round trip; but in 1864 the Confederate Navy Department needed that sort of coal for the *Tallahassee*, about to go out to prey on Federal commerce. Such an expedition was much objected to by those interested in the blockade business, as it tended to make the blockade more stringent. But notwithstanding that opposition, the expedition was determined on, and the English coal was taken for the purpose.



As a result, the *Ad-Vance* when she went out, on the night of September 9, 1864, had to use the North Carolina coal obtained from the Egypt mine in Chatham County, altogether unsuited for the purpose; as, besides being an inferior fuel, in burning it gave off volumes of black smoke.

The *Ad-Vance*, after trying to get out eight hours, on the 9th, passed through New Inlet successfully, although Admiral Lee, on September 15, had informed the Navy Department, "The blockade of the bars of Wilmington is now, I sincerely believe, as close as human agency can make it with the means at my command."

Having passed through the cordon of blockaders, the *Ad-Vance* continued on her course, but on the 10th when well out, the *Santiago de Cuba*, en route to Norfolk, at 10 a.m., saw some black smoke to the northeast and, pursuing it, by 4 p.m., after a chase of nearly ten hours, sent a shot across her stern and captured her. The *Ad-Vance*, later, was utilized in the Federal Navy.

This loss was a great blow to the State and to the Confederacy as well; as at that time bacon brought from abroad was necessary for the army. And so urgent were the needs of the army that in December, 1864, Vance sent from Raleigh 40,000 pounds of meat for the army at Wilmington, and turned over to the Confederacy all that remained at Bermuda, and half of all he had stored in the State.

The pilots

The pilots who brought the blockade-runners in were often in great personal peril and always at hazard of being captured. They rendered a service of patriotic devotion and of great importance. Their names and the particulars of their careers have been worthily preserved in Sprunt's admirable *Chronicles of the Cape Fear*, Mr. Sprunt himself having shared with them the dangers of the deep and the vicissitudes of their hazardous life and having made a contribution to historical literature that for excellence and value stands apart from similar contributions.

#### Cushing's activities

Oct., 1864

Among the young officers educated at the Naval School was William B. Cushing, who as a boy was quiet and un-

demonstrative. It is often, however, that such a disposition accompanies characteristics that later develop both boldness of conception, fertility in expedients and efficiency in execution. It was so with Cushing. Young Cushing was in the winter of 1863-1864 on duty off the Cape Fear bars, and he, with others, sometimes ventured at night into the harbor —sometimes landed and explored the country. Cushing

About the last of February, having information from a deserter of the location of the quarters of Gen. Louis Hebert, the general commanding the lower Cape Fear, Cushing successfully passed into the harbor and, landing at Smithville, raided the General's quarters and captured some of his official family, together with his papers, the General fortunately being temporarily absent.

On the evening of May 6, 1864, Commodore Lynch took the ironclad *Raleigh* through New Inlet to drive off the blockaders. At about eight-thirty that night she engaged the *Britannia*, which, however, eluded her. The next morning at about five o'clock, other Federal vessels appeared and an engagement ensued, and when the Federals drew off, the *Raleigh* sought to return. In doing so, she ran on a sand bank, and there stuck; and, eventually, the ship was a total loss. But the Federals were not at once aware of the mishap. Official Records, Series I, Vol. X, 21

On hearing that the *Raleigh* had driven off the blockaders, Cushing, who was then at Beaufort, wrote to Admiral Lee, in command, about "the mortifying affair" and "feeling very badly over the affair proposed to go to the spot and carry the *Raleigh* by boarding her in the harbor," and a boarding force of one hundred men was to be provided for him. He mentioned to Secretary Wells, "selecting a time when the ram is anchored at Smithville, I can, as I have often done, take boats by the forts and up to the anchorage." But as the *Raleigh* was found to be already destroyed no attempt was made on her. Loss of the Raleigh

Nor was Cushing alone in such enterprise. In May there was constant communication by the Federal cruisers with people on shore. On the 23d Lieutenant Brick reported that the night before he sent two boats ashore "to gain information. . . . The man we wished to see will meet us

Brick's activity



Holden's  
friends

Off. Records,  
Series I,  
Vol. X, 83

tonight," and he forwarded "papers and letters found buried on the shore at the place agreed and chosen by the parties on shore." One of the letters gave this information: "The raid on the State salt works takes very well, we think, with most of the citizens, and we know it does with the salt hands. Will you come after us? If so, land just above the place where you landed on the night of April 22, and you can get a full load."

On the evening of the 25th, with two boats, Lieutenant Brick made an extended tour beyond the rear of Colonel Young's Regiment, and got all the information he wanted. He forwarded a tracing of Fort Fisher sent him from ashore. There was a project to land fifteen hundred men secretly and capture the fort by a night assault; but the necessary small boats could not be procured.

Cushing  
near Wil-  
mington

While there were many ventures into the interior that of Lieutenant Cushing of June 23 was the most noteworthy.

Official  
Records,  
Series I,  
Vol. X, 202

After various hazards, he landed seven miles below Wilmington and spent the day there. Just after dark he took to his boat again, captured a party of fishermen, and made them pilot him to within three miles of the town. He took notes of all the obstructions and of the vessels in the harbor, there being nine blockade-runners in port. Returning down stream, he entered a creek, and took possession of the road between the fort and Wilmington, captured the mail bags, destroyed the telegraph lines, and, with a boat load of provisions, he eluded the pursuit of half a dozen boats and eventually passed out of New Inlet.

### **Destruction of the Albemarle**

Oct., 1864

Toward the end of May an attempt had been made to destroy the *Albemarle* by torpedoes, conveyed above her, and roped together some distance apart, and brought against her sides by the current. That had failed—and now Cushing proposed to do it. But it was not until October that circumstances permitted. In a steam launch, with a cutter in tow, he proceeded up the river (which is about two hundred yards wide, the banks being lined with pickets) some eight miles to where the *Albemarle* lay. As he approached, he

was hailed by the *Albemarle*; so he loosed the cutter and made for the ram under a full head of steam. The *Albemarle* was fast at the wharf, with a pen of logs around her, thirty feet from her sides. He made a circle to approach her bow. In the meantime the *Albemarle* was firing rapidly, and Cushing replied with canister. Three bullets passed through Cushing's clothing, Paymaster Ivan at his side was wounded and others. Crushing into the pen of logs, he lowered the torpedo boom and succeeded in exploding it at the right instant. A shot from the *Albemarle* passed through his launch at the moment the torpedo exploded, and a dense mass of water was thrown into his boat. Ordering his men to save themselves, while the *Albemarle's* fire continued, he divested himself of clothing and shoes, and sprang into the stream. The most of his party were captured; some were drowned; only Cushing and another escaped.

In his report Cushing said: "Woodman, I met in the water half a mile below the town and assisted him the best I could, but failed to get him ashore. Completely exhausted, I managed to reach the shore, but was too weak to crawl out of the water until just at daylight, when I managed to creep into the swamp close to the fort. While hiding a few feet from the path, two of the *Albemarle's* officers passed, and I judged from their conversation that the ship was destroyed. Some hours of traveling in the swamp served to bring me out well below the town, when I sent a negro in to gain information and found that the ram was truly sunk. Proceeding through another swamp I came to a creek, and captured a skiff belonging to a picket of the enemy, and with this, by eleven o'clock the next night had made my way out to the *Valley City*."

Official  
Records,  
Series I,  
Vol. X, 611

### In the army

The feeling in the army at this time was well expressed in a letter by a young soldier from the Albemarle region. He says there is no doubt that he is engaged "in a holy and just war and that we will surely gain our independence," although Mr. Lincoln "has called for a million of men. . . . When I first came out I knew not the hardships

Nov., 1864



Joseph  
Mullen

of a soldier's life, but I feel now, as at the end of my first year's service, that the Confederacy needs my assistance as much as any one else. It needs the help of every able-bodied white man in its limits. . . . I am getting along very well considering my rations. They are very small now. They cook our flour in bread and only give us a pound and a quarter of baker's bread a day. Our brigade is on the right of our division and our division is on the extreme right of the army. We have a very good place for our winter quarters, plenty of wood and water. Near Burgess Mills, Dinwiddie County, Virginia, November 15, 1864."

#### **Death of Gen. Stephen D. Ramseur**

Winchester

General Early had a very active command in the Valley to hold in check a much larger Federal force. The battles there were very stubborn, and the North Carolina regiments bore their part with applause but with great loss, especially in the unfortunate battle of Winchester, where the North Carolinians suffered relatively more than in any other battle of the war.

Ramseur, on the morning of the 19th of September, attacked and routed a considerable body of Federals; but soon, Federal reinforcements arriving, the Confederates, including the commands of Grimes, Cox, Cooke and Johnston, took post on a hill. But Sheridan, who had about thirty thousand men to Early's ten thousand, pressed on and passed Ramseur's flank and got in his rear. Ramseur was forced to retire. Sheridan's heavy columns of cavalry and artillery now played havoc with the retreating Confederates.

General Rhodes, General Goodwin and many other fine officers were killed. The battle lasted nine hours and was a disaster.

Near Strasburg, in the Valley, on the 19th of October, 1864, Ramseur's Division surprised a Federal force, turning its left flank and capturing many pieces of artillery and many prisoners, but the enemy, being heavily reinforced, took the offensive, and in the terrible conflict that ensued Major-General Ramseur was seen to fall. He was borne

to the rear. Presently, the enemy advancing, Captain Randolph got him on a horse and ran alongside, supporting him. He was put in an ambulance, but was captured and taken to General Sheridan's headquarters, where he died the next morning, October 20. He told the ambulance driver to tell General Hoke that "he died a Christian and had done his duty." He was from boyhood admired for his characteristics, much beloved, and he had won deserved promotion by a glorious career. He was the youngest major-general.

Schaff's  
Wilderness

### The Assembly meets

In the fall while conditions were grave there had been no great changes to cause alarm.

Nov., 1864

Lee's army remained holding Petersburg and Richmond. The summer had passed and there had been no movements in Eastern North Carolina except, after the destruction of the *Albemarle*, Plymouth had been occupied by the Federals. Throughout the State quietude was broken only by some misconduct of the deserters in a few localities. There were increased sorrows and afflictions, and living was harder in the towns, but in the country the people had their own provisions and were now used to the absence of sugar and coffee, while sorghum syrup took the place of molasses. Business went on, and people pursued their vocations as they had been doing from the beginning. The hardships that the soldiers experienced in the trenches were not entirely realized, and thought ran along much in its accustomed channel. Thus it was when about the middle of November the Assembly met. There were many new members. Vance had carried the State in August in a whirlwind, and Vance's friends were in control of the Assembly. Giles Mebane and R. S. Donnell were again chosen the Speakers with no opposition. Worth, who had made a most efficient and excellent Treasurer, was reëlected almost unanimously.

Patriotic

Some of Holden's friends had been chosen representatives from Wake County, and his name headed the list of magistrates appointed for that county. R. S. Tucker became Clerk of the House with R. C. Badger as his assistant; Charles R. Thomas, Clerk of the Senate, and later Neill



McKay succeeded him. This Assembly was much more patriotic than the preceding one. It was in full line with the cause of independence, and now that Vance had freed himself from entangling alliances its action was in harmony with Vance's ardent Southern views. There were but few notable contests, the chief being over the position of Confederate Senator, to succeed Mr. Dortch when his term should expire. E. G. Reade had served about one month from January 22, 1864, to February 17, when that session closed, and then Graham became Senator as he had been regularly chosen in 1862.

Ashe,  
Senator

Reade's record in Congress had been entirely satisfactory; but the members of the Assembly had personal preferences. There were put in nomination Mr. Reade, Mr. Dortch, W. N. H. Smith, John A. Gilmer, David Outlaw and Thomas S. Ashe. All of these had been Vance men, and all were men of ability, equal to the high duties of the office.

There were many ballots. At length the vote stood, Ashe 80, Reade 70, scattering 8; and by two votes Ashe was elected. He had been an old line Whig, was elected to the preceding Congress from the Anson District, but had been beaten by Christian in the later election. Not excelling in oratorical brilliancy, his character, virtues and attainments easily ranked him among the first men of the State. In his devotion to the Southern cause, as in every other attribute, he was worthy of the honor.

Not captious

Resolutions urging the Confederate authorities to make peace proposals after some victory, similar to those adopted by the previous Assembly, were introduced, but failed in the Senate by a vote of 24 to 20; and indeed there was no disposition manifested to be captious in affairs relating to the Confederate authorities. On the 22d of December Governor Vance, in the presence of both houses, was sworn in as Governor for the approaching term by Chief Justice Pearson, and the body took a recess to January 17, 1865.

### The Junior Reserves

The Junior Reserves were at first organized into companies, then into battalions, some of which were consolidated into regiments; known as the Seventieth, Colonel Broadfoot; Seventy-first, Colonel Anderson; while there were besides four other battalions.

In December, 1864, the Seventieth was at Camp Baker, near Hamilton, four of the companies being at Williamston; and the Seventy-first had been at Plymouth, but had been moved to Weldon. In those eastern counties there had been various encounters with Federal forces, and the Juniors had been active and efficient. The four battalions were near Wilmington. Early in December General Grant dispatched some twenty thousand troops to tear up the railroad at Belfield, where the road crosses the Meherrin some twenty miles south of Petersburg. Hampton, with his cavalry, set out to meet this column and arrived at Belfield before they reached that point. The Junior Reserves were likewise hurried to Weldon. But before the four companies at Williamston had reached Tarboro they were recalled to meet a raid from Plymouth. At that time the weather was intensely cold and those troops had not been furnished with either shoes, overcoats or tents, and they suffered severely. At Weldon the point was made that the Junior Reserves could not be ordered out of the State, but that was disregarded, and without hesitation the four battalions now under Colonel Leventhorpe hurried on to Belfield. The battle was on, and after a sharp fire and repulse from the Reserves, who had just reached the field in time, the Federals withdrew, leaving their dead unburied. Hampton now ordered a pursuit, and it was in that pursuit that Paul B. Means, in his account of those operations, particularly mentions for gallant conduct the young Julian S. Carr, Company K, Third Cavalry. From Belfield these battalions under Colonel Leventhorpe were rushed to Tarboro and Hamilton to meet a Federal raid from Washington. After that service, in that severe weather, they returned to Wilmington and participated in the defense of Fort Fisher on Christmas Day. How severe the weather was in its effects may be

Belfield

Julian Carr



Clark, IV,  
44Ibid., III,  
634Butler's  
Bridge

Colerain

Brigaded

Andrew  
Johnson

understood from the record that about one-half of the Juniors who went from Wilmington were, on their return, sent to the hospital. How many fell victims to their exposure is not recorded, but among them was the gallant Bartlett Connor, the elder brother of Judge Henry G. Connor, whose young life was full of promise. The Legislature, which was then in session, promptly recognized the fine action of the Juniors by laudatory resolutions adopted December 17, 1864.

On December 13, at Butler's Bridge, the Seventieth along with other troops had an encounter with the enemy. It remained in that section until the entire body of Junior Reserves was formed into a brigade at Kinston about the close of January. The Seventy-first was likewise in that region, and along with Millard's Battalion operated in January at Colerain on the Chowan. On January 3, 1865, near Goldsboro, the four battalions from Fort Fisher were organized into the Seventy-second Regiment, Col. John W. Hinsdale, Lieut.-Col. W. F. French, Maj. A. B. Ellington. The regiment was brigaded with the other Juniors, at first under Colonel Armistead, and finally under Col. John H. Nethercutt, who was in command at the battle of Bentonville and until the surrender.

### The election at the North

When the time was approaching for preparing for the Presidential election at the North there developed antagonism to President Lincoln by Mr. Greeley and other Abolitionists; and Mr. Lincoln was apprehensive. In order to fortify himself in the Republican Convention he proposed that delegates from such portions of the South as might send them should be admitted, and a special messenger was sent to confer with Andrew Johnson, then Federal Governor of Tennessee, suggesting that he should be associated on the ticket for the vice-presidency. Johnson had been presented by the Democrats of Tennessee for the presidency in 1860; was a member of the United States Senate until appointed by President Lincoln as Governor of Tennessee; and as Governor he had organized more than forty regi-

ments among the loyal people of East Tennessee: thus, perhaps, being more influential in his service to the North than any other person, except only two or three. Johnson agreed. Representation of Tennessee and some other Southern districts in the Convention was arranged for. At Cleveland on May 31 the Republican opposition to President Lincoln resulted in the nomination of John C. Fremont and General Cockrane; but Greeley and others saw that their antagonism would be unavailing and it made no great headway. When the Convention met at Baltimore on June 7 the Southern delegates were admitted, although Mr. Lincoln had no particular opposition. Johnson was, however, nominated for Vice-President, in place of Hannibal Hamlin. In accepting he declared his adherence to Democratic principles, but said that all other matters faded into unimportance in comparison with "saving the Union."

Lincoln

Toward the close of August the Democratic Convention was held at Chicago. That party was divided in sentiment. There were those who called themselves "Peace Democrats," holding that some steps should be taken to put an end to hostilities; and, others, who contended for the reestablishment of the Union in its integrity. General McClellan, who was opposed to the action of the Federal government on the subject of slavery and the negroes, was nominated along with George H. Pendleton, a "Peace Democrat" of ability and high character. It has been said that many at the North were tired of the war, and were discouraged, but two months before the election Atlanta had fallen and Farragut had entered Mobile, and then came the victory at Winchester. The administration was boasting of victories. The popular vote was full, 4,034,789; being in excess of the popular vote in the same territory in 1860. The Republicans gained 356,000 votes over their poll four years before, and won by 411,000 majority, Mr. Lincoln receiving 2,223,645 and Mr. McClellan 1,811,754; but McClellan carried only three states, New Jersey, Delaware and Kentucky. In the electoral college the Southern States were not allowed representation, but Mr. Lincoln had 213 as against 21 for McClellan. In Congress the Republicans maintained their absolute ascendancy.

McClellan

Pendleton

Grant's  
Memoirs



## CHAPTER LV

### FALL OF FORT FISHER

The attack on Fort Fisher.—The garrison.—Bragg assigned.—Defense measures.—The Butler idea.—The explosion.—Arrival of Hoke.—The Federals land.—Cross to the river.—The bombardment.—The Christmas assault.—Butler withdraws.—Grant and Porter disappointed.—Sergeant Bland.—Bragg misled.—The renewed attack.—Terry occupies the peninsula.—The fall of the fort only a question of time.—Hoke ready to charge, withdrawn by Bragg.—The Federal assault.—The land first gained.—Both Whiting and Lamb wounded.—The garrison withdraws to Fort Buchanan.—The fall of the fort.—Hampton Roads Conference.—The different views.—Frank Blair proposes peace.—Conference arranged.—It is held.—Abortive.—Governor Graham's attitude.—The report.—Lee proposes negro soldiers.

#### Fort Fisher

December 23

"When I assumed command of Fort Fisher July 4, 1862," said Col. William Lamb, "it was composed of several detached earthworks, with a casemated battery of sand and palmetto logs, mounting four guns, and with only one heavy gun in the works." But what had been done was well done under the circumstances and conditions of those first months of the war. The plan of defense prepared by Capt. John C. Winder was simple, but it admitted of progressive development. Necessarily the heart of the defense was Confederate Point; and there Colonel Lamb with five hundred colored laborers, assisted by the garrison, constructed the largest earthwork in the Confederacy of heavy timbers, covered by sand from fifteen to twenty feet deep and turfed. On its parapets were many heavy guns, separated by large traverses. Farther down the point was a tremendous mound, sixty feet high, whose guns had a plunging fire on an attacking fleet. And while Colonel Lamb says, "it was when attacked far from complete, yet it was the most complete fortification of its kind in the world. It was a monument to skill and labor."

Similarly, vast labor had been expended elsewhere for river and harbor defense. At Old Brunswick, on the west side of the river, some miles higher up, a tremendous earth-

work had been partially completed. In the end, this work answered no purpose whatever. It was mere labor lost.

Captain Winder's plan of defense for Fort Fisher in 1861 provided against danger from a land attack. He designed a covered way from the fort to the head of the sound, some three miles away, affording cover to infantry, that might command the beach. Had a part of the labor thrown away elsewhere been used to construct such an embankment along the beach, defending infantry would have been sufficiently protected from the fire of the fleet to hold their ground and prevent an assault by land. But Colonel Lamb did not think it necessary. He thought that the fort itself could withstand any land attack.

Winder's  
plan

The garrison of the fort consisted chiefly of the Thirty-sixth Heavy Artillery, that had been organized in May, 1862, for the most part in the Cape Fear country. Col. William Lamb, the commander of the fort, was Colonel; John D. Taylor, Lieutenant-Colonel; and James M. Stevenson, Major. At this time, Major Stevenson and five companies had been hurried to Savannah to serve batteries there in the expected engagement with General Sherman; and on that duty Major Stevenson won credit and renown. In addition, there were in the garrison 450 Reserves, being French's, Reece's and Millard's Battalions, youths recently called to the colors and without experience in battle. There were also sixty sailors and marines at Fort Buchanan; the entire garrison numbering 1,431.

An expedition against Fort Fisher had long been in contemplation, and in August arrangements were made for a joint naval and army attack, which eventually took shape about the middle of October, when a hundred and fifty vessels were ready for the service. In view of this contemplated attack and the vast importance to the Confederacy of Wilmington, President Davis assigned General Bragg, who had for months been his military adviser, to the command of the Cape Fear defense. Perhaps General Bragg, because of General Whiting's unfortunate failure to cooperate with Beauregard a few months earlier, had conceived an unfavorable opinion of the reliability of that distinguished officer and, therefore, did not treat him with

Off. Records,  
Series I,  
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entire courtesy. But while he assumed command of the department, Whiting remained in command of the district.

On reaching Wilmington General Bragg called on General Holmes for such reserves as could be furnished and, on November 1, General Holmes sent him all that could be supplied, the companies of Senior Reserves that later at Masonboro were organized into the Seventy-seventh Regiment, under Col. Charles E. Shober, Erwin's Battalion of Reserves, three companies of Millard's Juniors, and thirteen other companies of Seniors, later organized into the Eighth Reserves and Littlejohn's Battalion.

Clark, IV,  
100

Dec., 1864

But the quietude of the Cape Fear continued, while there was a pressing demand for aid at Savannah. In this emergency, the Seventy-seventh Regiment and ten companies of heavy artillery were sent to Savannah.

Then, on December 18, information was received that the expected expedition had sailed from Fortress Monroe, and on the 20th General Bragg telegraphed Governor Vance that the head of the fleet had arrived off Confederate Point. But the State had been denuded of troops. Vance at once issued a proclamation, "adjuring all good people who may be able to stand behind the breastworks and fire a musket, of all ages and conditions, to rally at once to the defense of their country, and hurry to Wilmington; and I do appeal to every man who has the spirit of a freeman in his bosom, who has a spark of fire, a drop of the blood of the heroes of Lee's great army in his veins, to come, and come at once." "Your Governor," said Vance, "will meet you at the front, and will share with you the worst." The Armory Guards at Fayetteville were at once dispatched to the scene by Colonel Childs.

Vance's  
appeal

In arranging this expedition, Gen. B. F. Butler, who was in command of the department, proposed to accompany it, but General Grant selected General Weitzel to have charge of the troops, and Admiral Porter was in command of the fleet. General Butler, apparently was the first to propose that a powder ship should be exploded with a view of destroying the fortification. That suggestion was submitted to the highest expert authorities in the army, who decided against its efficiency; but G. V. Fox, now the Assistant

The powder  
ship

Secretary of the Navy, espoused the idea, and on November 23 he assembled six experts, three of the army and three of the navy, who, after mature consideration unanimously resolved that "the explosion would injure the earthworks to a very great extent, render the guns unserviceable for a time, and probably affect the garrison to such a degree as to deprive them of power to resist the passage of naval vessels and the carrying of the works by immediate assault." The proposition thus became a naval operation. The *Louisiana* had been brought up from Albemarle Sound for the purpose and made ready, and the navy offered to furnish the necessary powder. She was towed to Beaufort on December 13, and there received additional powder.

Off. Records,  
Series I,  
Vol. II, 216

Admiral Porter, in his instructions concerning the explosion, said: "I do not anticipate such a dreadful earthquake as some suppose will take place, destroying everything, but that it would stun the men, tumble the magazines, destroy the mound, that the houses of Wilmington will tumble to the ground and much demoralize the people. And if the rebels fight after the explosion they have more in them than I give them credit for." The vessel had on board 235 tons of powder—470,000 pounds.

Ibid., 222

The expedition was ready to sail December 9, but was delayed by heavy storms. On the night of the 23d the *Louisiana* was towed into the position she was to occupy, and at about two o'clock in the morning the explosion occurred, "producing no more effect than the bursting of a boiler anywhere in the Atlantic would have done."

The explosion

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Memoirs  
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On the 24th the fleet attacked the fort, but made no serious impression, notwithstanding the severity of the bombardment.

On receiving information of this expedition, General Lee hurried Hoke's Division to Wilmington. The Forty-second North Carolina, Kirkland's Brigade, ordered to march on the 23d, packed in box cars, with the thermometer at zero, coming by way of Greensboro, was the first to arrive, reaching Wilmington on the 24th, and hastening to Sugar Loaf. From there Company A was advanced by General Kirkland to Flag Pond Battery, or Battery Gatlin,

Clark, II  
802

Ibid., IV,  
540



near Masonboro Sound, where there were no guns; and pickets were thrown out.

The troops  
land

On the next morning, under cover of the gunboats, the Federal troops were landed on the beach, out of range of the guns of the fort, and they at once formed a line from the beach to the river. General Kirkland, having observed that the Federal troops were landing, deployed his small force along the edge of the woods that lined the beach. Thereupon, the Federals threw up breastworks in the sand, which, under the protection of their gunboats, they held. On establishing themselves, the Federal force divided, one part, under General Ames, moving northward up the beach; the other, under General Curtis, accompanied by General Weitzel, advanced toward the fort. Company D, First Battery, Heavy Artillery, Capt. James L. McCormick, had reached the fort that morning, and in the afternoon Colonel Lamb moved it out to the marsh near Stephenson's Battery, where it engaged Curtis's Sharpshooters and drove them back. General Ames, in his advance, captured some two hundred Junior Reserves at the Half Moon Battery, and Captain Glesson, of the *Santiago de Cuba*, shelling the woods in the rear of the Flag Pond Battery and, cutting Company A of the Forty-second off from retreat, captured that company.

Deeds of  
daring

From them the Federal generals learned that Hoke's Division had arrived and other troops were coming to the defense. General Weitzel approached to half a mile of the fort and, being satisfied that it had not been damaged, so reported. Nevertheless, General Weitzel's skirmish line was within fifty yards of the fort, and three or four of his men ventured on the parapet and through the sallyport, killing an orderly and capturing a horse and dispatches, and brought away a flag from the parapet. This was done under the protection of the navy's fire; and they were acts of individual heroism. But if there were examples of heroism and endurance on the Federal side, there were similar examples of heroism and endurance on that of the Confederates. The bombardment was fearful, but the men at the guns fired the last shots each day of the prolonged battle.

Christmas Day was signalized by a still heavier bombardment and by the approach of the land force to almost hailing distance; but, if it began with doubt, it ended with joy. With jubilant hearts the garrison saw the battle was ended. The "Malakoff" had added a new page to history and had brought glory to its resolute defenders.

Christmas  
Day

General Butler now withdrew his troops, and on December 28, himself, was back at Fortress Monroe. He reported that the works had not been injured, they could not be carried by assault.

The lesson that was learned from the easy landing, and the establishment of an enemy line from surf to river, all dominated by the fire of the Federal gunboats, was now understood. Steps were begun to guard against such a situation should a subsequent attack be made. But, if the Confederates rejoiced, General Grant was more than disappointed, and Admiral Porter complained bitterly of having been abandoned by the army, when the fruits of victory were in his grasp. In his opinion what developed "was that the fleet with six hundred guns, commanding a level plain not two miles wide, and able to cover for miles any number of troops that might be landed, could drive off three hundred thousand troops intrenched or attacking."

Off. Records,  
Series I,  
Vol. II, 267

After the discomfiture of Butler, Governor Vance, on December 29, visited Fort Fisher and was received with hurrahs; and General Bragg, the Ladies Relief Society and many of the Wilmingtonians came down to mingle with the successful garrison and exult with them in their victory.

And now there were busy days on the lower Cape Fear. New defenses arranged, new guns put in position, and changes made as dictated by experience within the fort. Whiting and Lamb and the brave garrison were joyful over their triumph; and, on January 2, Lamb felt still more secure when the battalion of the Thirty-sixth, which, under Major Stevenson had been engaged at Savannah, returned to their post. But the gateway to a land assault, notwithstanding the belated effort to close it, was still open.



**Kit Bland's heroism**

During the terrific bombardment an incident occurred similar to that which has made Sargeant Jasper famous. The garrison flag was shot away. To replace it by raising one at the mound battery was not only dangerous but difficult. On a call for volunteers for that purpose young Kit Bland, a private in Company K, Thirty-sixth Regiment, responded. Amid shot and shell, flying thick and fast around him, he climbed the staff and tied the flag to its pole. On coming down, he observed the flag flapping by one corner, and he again climbed to the top and, after securing it safely, descended, although a shell brushed his hair. Later he lost a leg, and was surrendered when the fort fell. He was a native of Pitt County, but was a resident at Calabash, Brunswick County, when he enlisted. After peace he was a farmer in Pitt and Edgecombe counties and became a minister of the Gospel, a Baptist minister. He died at his home at Ayden in 1917, aged seventy-three years.

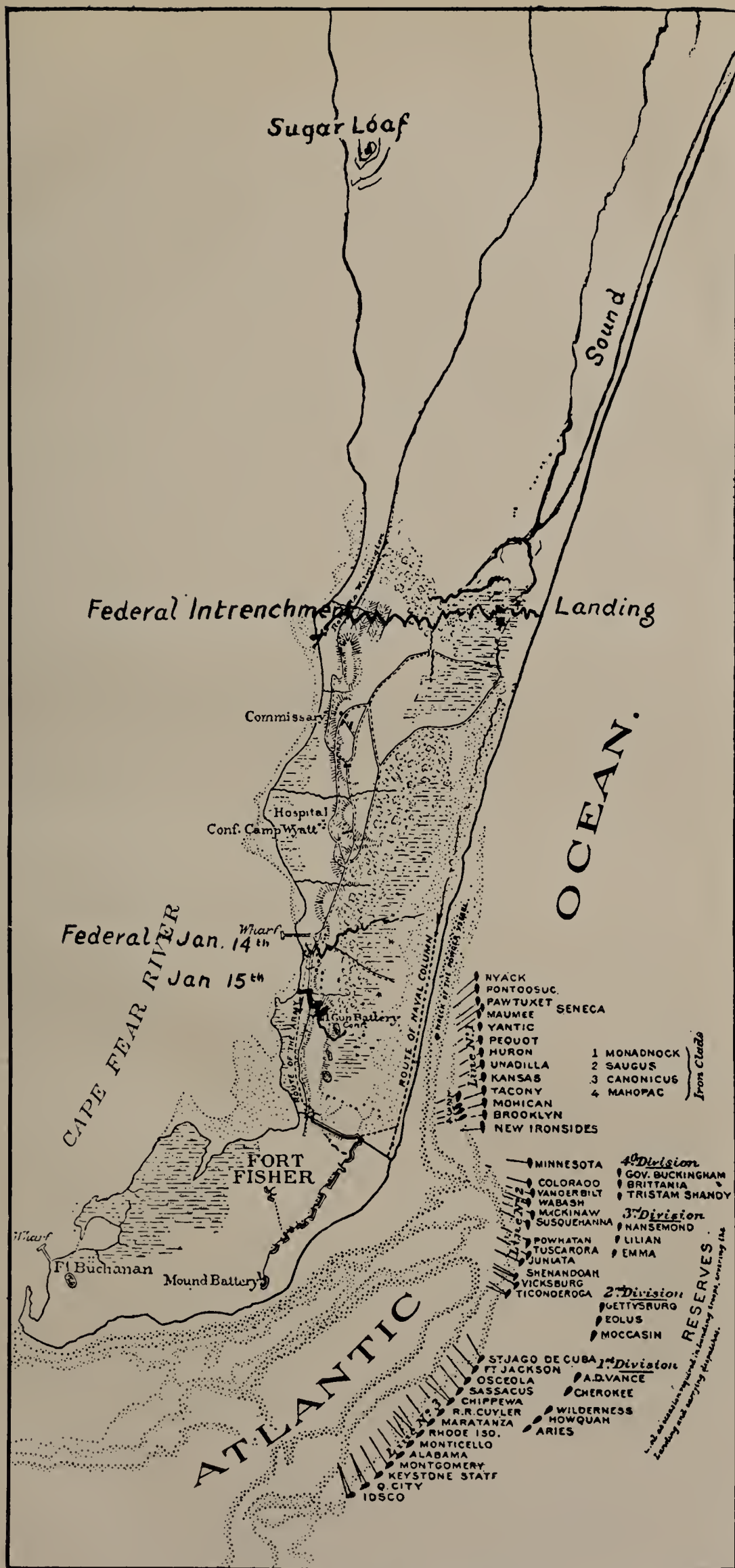
**The fall of Fort Fisher**

January 15

Grant's  
Memoirs, II,  
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On the return of Butler to Fortress Monroe Grant at once determined to try it over again, and he now selected General Terry to command. The greatest secrecy was observed. The object and destination of the proposed expedition were kept so secret that even General Terry himself had no idea where it was going or what it was to do, until he opened his sealed orders at sea. Indeed, this movement was veiled in such secrecy that although General Whiting and others reasonably expected that some attempt would be made to repair the mistake of General Butler, yet General Bragg was misled, and he proposed to make a hurried attack on New Bern while Hoke's troops were unemployed and at his command. So Hoke's Division, which had taken post near Fort Fisher, was withdrawn with the purpose of capturing New Bern, and thus it was not near Fort Fisher when suddenly the fleet began the second attack.

The transports, bearing the Federal army, arrived off Beaufort on January 8. On the morning of January 13 the



THE FALL OF FORT FISHER





fleet took its station near Fort Fisher in three lines, close to the beach, and boats were sent to take the troops ashore. These were landed, with twelve days provisions, at two o'clock p.m. The ironclads were 1,000 yards distant from the fort, and the battle opened at 7:30 a.m. Soon traverses began to disappear, and the guns of the fort were silenced one after another, and only one heavy gun in the southern angle kept up its fire.

Off. Records,  
Series I,  
Vol. II, 432,  
433

General Terry deployed his men across the peninsula, as had been done before, and at two o'clock the next morning they were within two miles of Fort Fisher. By noon he had carried an unfinished work half a mile from the fort. The assault was arranged for the next day.

Grant's  
Memoirs, II,  
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General Whiting, in his official report, says: "On Friday and Saturday, during the furious bombardment of the fort, the enemy was allowed to land without molestation, and to throw up a light line of field works from Battery Ransom to the river, thus securing their position from molestation and making the fate of Fort Fisher, under the circumstances, but a question of time." That was, indeed, very evident. As Admiral Porter said, his six hundred guns commanding that level plain would have defended the Federal force against three hundred thousand attacking Confederates. If any criticism should be made, it would be that this situation had not been foreseen by the engineers in the years of preparation. The beach had been left open for the landing of the Federals; and no defending infantry could stand within the range of the Federal gunboats. "On Saturday," continues General Whiting, "the fire on the fort reached a pitch of fury to which no language can do justice. It was concentrated on the land face and front. In a short time nearly every gun was dismantled or disabled, and the garrison suffered severely by the fire."

On the first intimation that the fleet had returned General Bragg, taken by surprise, hurried Hoke's Division back to Sugar Loaf. Kirkland's Brigade was again the first to arrive. But the Federal commanders knew the advantages of celerity. They were prepared to operate quickly. General Terry had already landed his troops, and lost no time in intrenching a line from the beach to the river. Hoke's

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Division at once threw up a line along his front, Sugar Loaf being the base, but necessarily his line was enfiladed by the ships. Hagood's South Carolina was sent to assist Fort Caswell, and Colquitt's Brigade, under Graham, was ordered to Fort Fisher. Bragg's personal headquarters were at Sugar Loaf.

On the second day of the bombardment, January 14, after one o'clock, General Whiting reported that "the fire had been and continues to be exceedingly heavy"; that the bombardment of his land front was furious; that it would be continued until his guns were silenced; that Porter would force a passage of his ships into the river and coöperate with the land force which had established itself from the beach to the river; and if the Federal force was permitted to remain at the river the reduction of the fort was but a question of time." Colonel Lamb expected Hoke to attack on the night of the 14th, and made a sally from the fort with that expectation; but Hoke did not attack, and it does not appear that such an attack was arranged for or ordered. For some reason General Bragg conceived the idea that General Whiting's condition was such that the safety of the fort required a change in commanders, and on January 15 Bragg assigned Colonel Colquitt to the immediate command of the fort and directed General Whiting to report to him at Sugar Loaf, for conference and instructions.

On Sunday, the 15th, Colonel Graham arrived at Battery Buchanan with Colquitt's Brigade, but he did not land them all; only portions of the Twenty-first and the Twenty-fifth South Carolina landed. Later in the day, about one o'clock p.m. from Smithville Colonel Graham telegraphed General Bragg: "As instructed by you about four hundred of my men landed at Fisher. The rest were prevented by the fire of the enemy. I will go there tonight unless otherwise instructed." Had Bragg's orders been carried out Colquitt's Brigade of one thousand veterans would have been within the fort. At three o'clock Sunday Whiting reported that the enemy was moving apparently to assault. Hoke immediately moved to attack them. Clingman's and Kirkland's Brigades, pressing forward, drove in the Federal

skirmish line and occupied their rifle pits; and when all, in anxious expectancy, were awaiting the order to charge, Bragg sent a courier to Hoke ordering him to withdraw to Sugar Loaf.

"At three p.m. the line fell back, and Hoke's Division lay down, subjected to the fierce shelling of the vessels, but hearing the musketry fire at Fort Fisher until its brave garrison was overcome at ten o'clock that night." General Bragg subsequently wrote: "Hoke found their line impracticable for his small command, and I did not hesitate to recall him."

After a part of Colquitt's South Carolinians had landed, the fire of the fleet having prevented the larger part from doing so, those on shore were conducted to the fort and put under cover in a bomb-proof. The bombardment being fierce, at three o'clock the Federal land force that had been gradually and slowly making its way down the peninsula, formed in two columns for the assault. The garrison during the bombardment was unable to stand unprotected on the parapet. When the whistles of all the ships sounded in unison and the bombardment ceased momentarily, it was comprehended that the moment of assault had arrived. The men now rushed to their stations. The western salient, being an unenclosed battery, was held by 250 of the garrison, and there was the point that would be assailed. The South Carolinians were ordered to double-quick in defense of that salient. They did not move promptly. They did not reach the work before it was occupied by the Federals.

There were two attacking columns, one near the water's edge, composed of sailors and marines. This was apparently the most dangerous and the garrison gathered to meet it. It was met valiantly and gloriously, and while its conduct brought credit to the American Navy the defense was so resolute, so devoted, that this attacking column suffered most grievously and was repulsed. As the army column further to the northward advanced, it divided, and one part clinging near the river, and the other squarely approaching the front. There torpedoes had been placed to repel the passage of an attacking column, but the fire from the ships had ploughed up the surface and rendered that means of



defense useless, and the ships so directed their fire somewhat in advance of the attacking column that everything was swept away in their front. The land front at length was gained, and the Federals succeeded in establishing themselves in two compartments. Nor could General Whiting, personally leading, dislodge the assailants. A hand-to-hand encounter followed, both sides fighting desperately to hold the compartments.

About four o'clock both General Whiting and Colonel Lamb fell, and on Major Reilly devolved the command. The murderous contest never ceased. Every inch was fought for, but by nine o'clock further efforts were hopeless. The sallyport had been held. Captain Van Ben Thuysen, of the marines, himself badly wounded, with a squad of his men, took the General and the Colonel to carry them to Battery Buchanan, followed by Major Reilly and the remnant of the forces. In the dark night, lit up only by the screaming and bursting shells, they passed out, seeking safety, but on reaching Fort Buchanan, they found neither garrison nor boats. The garrison had left. There was now no avenue of escape. They bowed themselves to their fate, and at ten o'clock when the Federals had made their way to that point, they surrendered. Fort Fisher had fallen.

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It was officially found that in the first attack the Federal fleet expended 20,271 projectiles weighing 1,275,299 pounds, and in the second attack, 19,682 projectiles weighing 1,652,638 pounds. The Federal loss was 1,445; that of the garrison about 500. General Whiting was taken North and died in a Northern prison. Colonel Lamb and Major Reilly survived.

### Hampton Roads

As the war progressed without much change in the visible conditions, at the North as well as at the South there was an apparent desire to bring it to an end. The Democrats, under the lead of Governor Seymour of New York and of General McClellan, Senator Pendleton, and other men of unchallenged patriotism, loudly protested against the arbi-

trary measures of the Federal administration and proposed a convention of all the states to bring about a settlement, based on the Constitution as it was. And in the spring of 1864, President Davis commissioned Clay of Alabama, Holcombe of Virginia, and Thompson of Mississippi, if possible to start preliminary negotiations. These were brought into touch with Horace Greeley, who urged peace. It was thought that some private understanding might open the way, but Mr. Lincoln met the approach by an open declaration that any proposition coming by and with an authority that can control the armies now at war against the United States, embracing the integrity of the whole Union, and the abandonment of slavery, will be considered by the executive government of the United States and will be met by liberal terms on other points. It did not provide for a convention of states to compose differences. It involved surrender and submission to his will and the abandonment of slavery. It was not the will of the Union, but the will of the conqueror that was to be submitted to. The intolerant, haughty spirit that marked 1861, fostered by a sense of physical domination, again found expression. Unconditional submission. It offered no basis for negotiations. The Peace Conference of 1861 had come to naught: now after a terrible war, it was suggested that another conference of all the states might bring about peace, but Mr. Lincoln would not have it that way. The parties at war were the Northern States and the Southern States. Of the latter three had established their independence by the Treaty of 1783, and they were members of the Old Confederation of 1781 which, however, fell through when in September, 1788, nine of the states formed a new Union. North Carolina, at first, did not enter the new Union, and for more than a year was not bound to the other states by any compact whatever. The Southern States in 1861 formed a vast empire covering a territory from the Potomac to the Rio Grande. Their inhabitants were virtually a unit. Their state governments and constitutions had remained unchanged from the day of their first formation. Their action had been as states. But President Lincoln had not recognized their action as states, holding it unlawful and a nullity, and

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Decades, 317



holding the inhabitants to be in insurrection. However illogical and repugnant to republican ideas this view was, it was the basis of the action of the Northern government. In conformity with it Mr. Lincoln would not recognize the existence of any government within any state of and within the Confederacy.

Jan., 1865

Blair's visit

But, at length, in January, 1865, Mr. Frank P. Blair, Sr., whose residence at Seven Springs, near Washington, had in the previous decade been the Mecca of Democrats, the father of Montgomery Blair, a member of the Cabinet, having the esteem and confidence of President Lincoln and the esteem of many friends in the Confederate Congress, came to Richmond, hoping in some way to bring about peace. He was received with respect and cordiality. After an interview with President Davis and many friends, among them a number whose hopes for a successful issue of the war had faded away, he bore a letter from President Davis to President Lincoln looking to peace. He then returned to Richmond, bringing a letter to himself, in which President Lincoln said he would receive any agent Mr. Davis "would informally send with the view of securing peace to the people of our one common country." In his interview with Mr. Davis, Mr. Blair, however, suggested that General Lee and General Grant might suspend hostilities and a way be paved for the restoration of peace. Yet, he informed Mr. Davis that "the idea of a military convention was not favorably received at Washington." Mr. Davis had a conference with Vice-President Stephens, telling him that Mr. Blair was under the firm belief that the attempt to establish Confederate independence would certainly fail, and Mr. Blair was looking forward to the ultimate return of the Southern States to the Union; and Mr. Blair's proposition was to pave the way to that end. It was in view of that possible ultimate end that Mr. Davis and Vice-President Stephens conferred. Mr. Stephens says in regard to that: "Moreover, if such a result should ensue, it would be by the voluntary assent of the Confederate States, and they would secure the success of the principle for which we were struggling. In every view this was a matter that could safely be left to the future."

Stephens:  
History of  
U. S., 1009

Apparently, both Mr. Davis and Mr. Stephens looked forward to the possibility of a restoration of the Union as the end of the proposed negotiations. Mr. Davis appointed Mr. Stephens, R. M. T. Hunter and Judge Campbell, the latter being "a Union man," as commissioners. They met Mr. Lincoln and Mr. Seward at Hampton Roads on February 1, 1865. Since Mr. Blair's first visit to Richmond the military situation had changed. Fort Fisher had now fallen and General Sherman was marching through the country unopposed. The conference brought out no definite propositions; the Union must be restored and slavery abolished. Toward its end, Judge Campbell renewed his inquiry—how restoration was to take place, supposing the Confederate States were consenting to it. Mr. Lincoln replied: "By disbanding their armies and permitting the National authorities to resume their functions." And this was said: "In stating a single condition of peace, I mean simply to say that the war will cease on the part of the government whenever it shall have ceased on the part of those who began it." Mr. Hunter said: "There was nothing as a basis of peace, but unconditional surrender. That there could be no agreement, no treaty, nor even any stipulations as to terms, nothing but unconditional submission." And so the meeting ended.

But when Mr. Lincoln had returned to Washington he locked himself up in his room and prepared a bill to be submitted to Congress providing for the payment of \$400,000,000 for the slaves if the Southern States should have disbanded their armies before April 1. Having prepared that bill, he called his Cabinet together and read it over to them; but they said it could not be gotten through and they opposed submitting it to Congress. Mr. Lincoln with great regret and reluctance yielded to their suggestion, and the paper was laid aside and never presented to Congress. Certainly Mr. Lincoln could not offer to pay anything before Congress had authorized it, and his attitude was that he could enter into no terms with either the Confederacy or the government of any Southern State. The only thing he would say was—submit, disband your armies.

Restored  
Union ex-  
pected

New condi-  
tions

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Submission  
required

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Graham's  
hope

On the day these commissioners were appointed by President Davis, January 28, Senator Graham, who in the absence of Senator Hunter presided over the Senate, wrote to Governor Swain: "From several conversations with Mr. Hunter in concert with whom I have been endeavoring to reach this form of intercourse (with President Lincoln) since the commencement of the session of Congress, I am satisfied that the first effort will be to establish an armistice and then to agree on terms of settlement. The Northern mind is wedded to the idea of reconstruction"; but Governor Graham realized so little the state of the Northern mind that he added: "I am convinced (the North) would guarantee slavery as it now exists, and probably make other concessions, including restoration of confiscated property, except slaves, and perhaps some compensation for a part of these." He noted: "There are embarrassments attending the abdication of a great government, such as now wields the power of the South, especially by the agents appointed to maintain it, that are difficult to overcome."

The report

A week later the commissioners had returned, and on the 5th of February made their written report that Mr. Lincoln had shut out all other possible results than the disbandment of the armies and the restoration of the authority of the United States government in such manner as he might indicate or Congress might require. It was submission to whatever might come. Mr. Lincoln had said he could make no terms with either any state or the Confederate States, nor grant any suspension of hostilities without an assurance of a complete restoration of the authority of the Constitution and laws: and he further advised the commissioners that Congress had passed a bill to amend the Constitution by prohibiting slavery. After the return of the commissioners there was no source left to hope for any terms, and Senator Graham wrote: "I have seen but few persons today, but the impression will be that there is no alternative but to prosecute the war."

The situation was now becoming realized. While the South had been holding Richmond and Petersburg and some of the seacoast towns, the Federal armies had been increasing and the Confederate forces rapidly diminishing. The

disparity now was startling. Lee suggested the use of negro troops. Amid great excitement a public meeting was held at Richmond at which President Davis made a speech worthy of Rienzi or Demosthenes. Addresses were made by Mr. Benjamin and Congressmen. Senator Graham wrote: "They made labored arguments in favor of making soldiers of slaves. Mr. Benjamin declared: 'Unless the slaves are armed, the cause is lost.' . . . All these demonstrations are likely to pass off as the idle wind, and the great question still remains, 'What is to be done to save the country?' There is a widening breach between the President and Congress; a growing opinion on their part that he is unequal to the present duties of his position, while there is a difference of opinion as to the prospect of relief in a different line of policy and under different auspices. The military situation is threatening. Judge Campbell thinks another mission should be sent. *Speed in affairs is necessary*. There is no time for states to act in concert (without which they can effect nothing) nor sufficient harmony of views here for action without the Executive, and many, perhaps a majority, are for the most desperate expedients."

The desperate situation

Mrs. Spencer, 118

To arm the negroes

Ten days passed, and again Graham wrote: "A bill to conscript negroes in the army was postponed indefinitely. I argued it at length as unconstitutional according to the Dred Scott decision, as well as inexpedient and dangerous. There may be attempts to revive this fatal measure. All the influence of the administration and of General Lee were brought to bear, but without success. Mr. Benjamin has been writing letters to induce the brigades of the army to declare for it. Opinion is growing in favor of more negotiations, to rescue the wreck of our affairs, if military results continue adverse. I shall meet some friends this evening on that topic. It is the duty of the people to sustain the war till their authorities, Confederate or State, determine otherwise."

"Unconstitutional"

Deplorable indeed was the situation, and unhappy perhaps were those statesmen whose clear vision had beheld in the incarceration of some preacher of sedition only the tyranny and despotism of the democratic element and the end of civil



The  
absentees

liberty. If Lee and his heroic officers had failed on the field of battle it was doubtless because his army was not strong enough. Judge Campbell, as assistant secretary, prepared a report showing that the military resources of the Confederacy were exhausted, and though he thought the figure somewhat too high, he said that General Preston reported one hundred thousand men absent without leave. Such had been in some measure the result of the partisan hostility to the Confederate administration.

Mr. Lin-  
coln's report

President Lincoln, being called on by resolution of the House to communicate what passed at the Conference, replied by submitting a copy of his instructions to Secretary Seward, who, on January 31, had been directed to go to Fortress Monroe and meet the Confederate commissioners, viz.: "You will make known to them that three things are indispensable, to wit: 1. The restoration of the National authority throughout all the states. 2. No receding by the Executive of the United States on the slavery question from his position in his message to Congress. 3. No cessation of hostilities short of an end of the war and the disbanding of all the forces hostile to the government."

And in communicating this to Congress, Mr. Lincoln said: "On my part the whole substance of the instructions to the Secretary of State was stated and insisted on, and nothing was said inconsistent therewith." The ultimatum was a continuance of hostilities until the hostile forces were disbanded and the National authority should be restored throughout all the states. "The other party," said Mr. Lincoln, "omitted to declare that they would never consent to reunion. They seemed to desire the adoption of some other course first, which as some of them seemed to argue might or might not lead to reunion; but which course we thought would amount to an indefinite postponement."

A return by  
the states  
not desired

That is a reference to the proposition for an armistice, affording an opportunity for the people in each state to take action. In that event, it was expected by President Davis and Mr. Stephens and the commissioners that the

states would themselves return to the Union, but the commissioners had no authority to act for the states; they could only argue the course of events. Mr. Lincoln thought it "amounted to an indefinite postponement." As the armistice would have been for a definite period, the postponement would have been limited. In that case, however, the return of the states to the Union would have been by the action of the people of the State, in some form; not as if by conquest. Mr. Lincoln rejected the suggestion.

**Lee confers with Hoke**

It is to be recorded that somewhat earlier apprehensions being felt lest General Lee should become incapacitated, the President had desired General Lee to indicate who should have command of the army.

General Lee told General Hoke that he had recommended General Hoke to have the command: and he further said, that he (Lee) had recommended that the negroes should be brought in as soldiers. General Hoke disagreed to both these suggestions.



## CHAPTER LVI

### WILMINGTON FALLS—END APPROACHES

At Wilmington.—The population.—The ladies.—Blockade-running.—Fort Caswell abandoned.—Terry moves, but checked by Hoke.—Cox advances on the west.—Captures Simonton and 400 men.—Hoke at Wilmington.—Cox on Eagles Island.—Hoke retires.—Wilmington occupied.—Hoke reaches Goldsboro.—Schofield's order.—Lee made commander-in-chief.—The relative situation.—Wheeler's Cavalry.—Grant's designs.—Columbia burned.—Hardee withdraws from Charleston.—Sherman moves toward Fayetteville.—At the arsenal.—Johnston assigned command by Lee.—Lee suggests a conflict south of the river.—Johnston sees that is impracticable.—Vance in full coöperation.—Sherman's front ravages sixty miles.—Barbarities.—Bishop Atkinson.—The marauders shoot and hang their victims.—The plunderers.—No Union sentiment.—Daily life of the people.—Hampton sacks Kilpatrick's camp.—Salisbury prison.—Exchange ceases.—Governor Curtin repulsed.—Confederate offers rejected.—The delegation from Andersonville.—The North Carolina offer.—Suffering at Salisbury.—The exchange.

#### At Wilmington

Feb. 22,  
1865

The capture of Fort Fisher, carrying with it possession of the lower harbor and putting an end to blockade-running, was cause for great rejoicing among the Federals. It brought congratulations and honors to those who had the good fortune to be engaged in the operations. Secretary Stanton had been at Savannah. Now on his way northward, he stopped at Fort Fisher on the 16th of January, to join in the jubilation and dispense promotions to the officers of the army. And on the 28th, General Grant and General Schofield arrived with their staff officers, but they came on business. General Grant had designed to start Schofield's Corps in at New Bern, but now they came to determine whether it would not be better to have him operate from Wilmington; and it was so determined. On the other hand, the fall of Fort Fisher caused wild panic at Wilmington, and was regarded by the Confederates as a terrific blow to the general cause.

The population of the staid town of Wilmington had been almost completely changed during the war. When the yellow fever broke out in 1862 all who could move into the up-country did so, and only a few of their families returned. Some who were engaged in business and had no other means of livelihood, had to remain, and among them were men in every line of work and especially merchants of the highest respectability and patriotism. Then came the era of blockade-running, and the auction sales of the imported goods drew there speculators from all parts of the South intent on making fortunes; and in the lower walks of life were to be found rogues and desperadoes, who made a livelihood by robbery, sometimes not stopping short of murder. It was unsafe to venture into the suburbs of the little town by night, and, even in daylight there were frequent conflicts in the public streets between the crews of steamers in port and the soldiers stationed at the post. The agents and employees of different blockade-running companies, who were piling up fortunes as the proceeds of each trip, lived in magnificent style, and imported liquors enlivened every occasion. But amid all the extravagance and dissolute conduct that set a pace beyond the means of the actual resident, the ladies resident in the city bore themselves in accord with their traditions.

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of the  
Cape Fear  
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Convalescent soldiers passed from the hospitals in Virginia through Wilmington, and a society, organized by Mrs. Armand J. DeRossett, ministered to the wants of the sufferers, the trains stopping an hour or two that their wounds might be dressed and food and medicine supplied them; and those self-sacrificing, heroic women patiently and faithfully performed the offices of hospital nurses. Liberal contributions were made at their instance, and the long tables at the station were supplied with delicacies for the sick to be found nowhere else in the Confederacy.

### **Blockade-running**

In expectation of an attack on Fort Fisher there had been some alarm among the inhabitants, but after that joyful Christmas Day that brought a sense of security, business re-



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sumed its accustomed channels. Indeed, blockade-running was stimulated. How important that commerce was is indicated by there having been more than a hundred steamers engaged in it. Many of these made regular trips; the movements of the *Ad-Vance* was so regular that, at Wilmington, people said: "Tomorrow the *Ad-Vance* will be in." The *Siren* made 64 successful trips; the *Pet* 40, the Confederate steamer *R. E. Lee*, 21, and more than fifty others made trips as if on regular schedules. Among the sea captains who took the hazards of this enterprise were such Confederate Navy officers as Maffitt and distinguished British officers as Captain Murray-Aynsley.

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In 1863 seventy-five vessels were engaged in these operations, while of them thirty-four were captured or destroyed, yet they were practically replaced by others. What value they were may be understood by the following reference to the *Kate*, on landing at Charleston. "On Thursday we were bound for the Northwest Channel with our regular cargo of one thousand barrels of gunpowder, and arms and accoutrements for ten thousand men. We ran into Charleston on Saturday night, and on Sunday morning the Confederate Quartermaster pressed every horse and dray to haul the cargo to the railroad station. The roar of the drays and wagons was incessant. All day Sunday and Sunday night it was kept up. As fast as a train was loaded it was started for Johnston's army. It may be said that the *Kate* was the most important factor in the battle of Shiloh. "Three cargoes of war stores carried in by the *Kate*, one by the *Mary Celeste*, and the fourth by the *Kate*, into Charleston, actually equipped Johnston's army, immediately after which came the battle of Shiloh." While the *Ad-Vance* was the largest and the finest of the blockade-runners, the steamer *Lillian* was one of the most successful. Of five hundred tons net register, the finest marine oscillating engines, boilers that drove her fifteen knots an hour, she presented to the eye the graceful appearance of a racing yacht. "A thing of beauty and a joy forever," says Mr. James Sprunt, her youthful purser, "she was to all of us on board; and our beloved chief, John Newland Maffitt, no less, was, we thought, the man of all men to command her."

Ibid., 266

Possibly one-half of the blockade-runners met at last with misfortune. The losses by capture and otherwise have been estimated at \$42,000,000 and it is thought the capital involved was double that. "A steamer carrying one thousand bales of cotton sometimes realized a profit of a quarter of a million dollars on the inward and outward run of two weeks. . . . Cotton could be purchased in the Confederacy for three cents in gold and sold in England from forty-five cents to a dollar a pound. . . . The blockading traffic during the war, including the cost of ships, amounted to \$150,000,000, gold standard." The importance of these importations cannot be estimated.

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Captain Maffitt, in the *Owl*, crossed the Western Bar after the fall of Fort Fisher and several Federal vessels had entered the harbor. When he had dropped anchor he was boarded by a Confederate boat that informed him of the situation, that Fort Caswell and other stations were being evacuated and that some Federal men of war were within hailing distance. He slipped anchor and put to sea. The *Chameleon*, Capt. John Williamson, came in later; but on making the usual signal and getting no reply, and observing camp fires on land, he too put to sea. However, the next night he returned and was close in among the Federal fleet that had crossed the bar, when again failing to get a Confederate response to his signal, he turned and escaped to Nassau.

Between the 12th and 16th of January, 1865, eight vessels left Nassau for Wilmington but Captain Maffitt, on his escape, carried the news to Bermuda by the 21st, and stopped half a dozen vessels then ready to sail.

### Evacuation of Fort Caswell

After Fisher fell Fort Caswell was evacuated and blown up, and the garrison made its way to Fort Anderson, at Old Brunswick. The lower harbor was occupied by the Federal fleet, and on the 19th Admiral Porter went on shore at Smithville and took possession. However, the Federals rested on their laurels and did not advance. They awaited the arrival of Schofield's Corps to make sure of superiority.



Hoke

General Hoke remained in position at Sugar Loaf. At length on February 11, General Terry, reinforced by General Schofield, moved forward, but was checked by Hoke with his small force of only 4,500. Three days passed, and then on the night of February 14 Terry sought to turn Hoke's left, but again failed. Schofield now determined to try another plan and threw Cox's Division of his corps to the western side of the river. The ironclads began a brisk bombardment of Fort Anderson, and Cox, while making a feint of attacking the fort, passed around Orton Pond, gaining the rear of the fort, and thought the road to Wilmington was open to him. But General Hagood, in command, discovering this movement, abandoned Fort Anderson and took post behind Town Creek. Fort Anderson being evacuated, the Federal fleet now had full possession of the river, and Hoke's right and rear being open to its fire, he fell back.

Cox's advance

In the meantime on the 19th, while Terry was pressing Hoke, Cox advanced to Town Creek and succeeded in crossing it below Hagood's position, thus getting into his rear. A stiff fight ensued, but Cox had the advantage and was able to cut off Colonel Simonton, who was in command, together with a large number of officers and about four hundred men, who fell into his hands. Two days later General Cox reached Eagles Island, and Wilmington was at his mercy. As Hoke fell back, Terry advanced slowly, Kirkland's Brigade being the rear guard and skirmishing behind the pines that here and there grew on the sand hills. At length Hoke reached the outer works of Wilmington, about four miles below the town, and there he held the advancing Federals in check.

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### Wilmington taken

Cox's  
Journal

Schofield now ordered Cox to send several brigades to the aid of Terry. But General Hoke, realizing that Cox's column had possession of Eagles Island and that the town was at his mercy, destroyed such stores as would have fallen into the hands of the enemy, and passing through the town, retired across the Northeast River. In the harbor was a fleet of magnificent steamers and the remains of the

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Confederate Navy. Charleston already had been evacuated, and Sherman was making progress toward the interior from the south. In a few days Wilmington would have had to be evacuated because of his approach, but its possession by the Federals was a great aid in Sherman's movement.

On February 21, General Cox entered on his march across Eagles Island toward Wilmington. "The Rebels immediately began to burn the supplies and stores in Wilmington. The smoke rising in columns more immense than any I have seen. I received," wrote Cox, "a dispatch from General Schofield that General Terry had made no headway, and orders to withdraw my command and cross the river to Terry's support. I started a brigade: a second dispatch reiterated the order, and I started a second brigade at midnight and prepared to move the rest, when the orders were countermanded." The 22d he entered the town without opposition, and General Terry marched through.

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### Hoke retires

Still forming the rear guard of the infantry column, Kirkland's Brigade crossed the Northeast River on a pontoon bridge, and burned the railroad bridge. At that point there was a spirited affair with the enemy. "I remember Lieut. Wilson G. Lamb, with one of the companies of the Seventieth, as displaying conspicuous bravery." Hoke's Division then marched to Goldsboro. It was of most grievous effect on the waning fortunes of the Confederacy, and as it was the first blow that had fallen on the people of that region, so also was it a stunning blow in its effect. The war had been waged afar off. North Carolina troops had largely contributed to maintaining the battlefield at a distance in Northern Virginia, and had saved their own State and communities from the desolation that befell elsewhere. All had felt inconveniences; all had suffered; in every family there was mourning; but except the counties on the sounds, the State had been saved from the horrors of hostile occupancy.

When Wilmington was occupied Rev. A. A. Watson, rector of St. James Episcopal Church, was required to alter the prayer prescribed by the Protestant Episcopal

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Church of the Confederate States and to pray for the President of the United States instead of the President of the Confederate States. This the rector refused to do. Whereupon General Schofield seized the church building, had the pews and pulpit torn out and removed, and the building converted into a hospital. Also, the Methodist Church on Front Street was seized and turned over to a negro congregation.

### **Sherman in Georgia**

On September 1, 1864, the Confederates evacuated Atlanta, and the next day the Federals entered the town. Six days later General Sherman ordered all the inhabitants to be deported, and 446 families, consisting of 1,500 persons, were removed. On the 16th of November Sherman began his movement south. He gave orders for the destruction of the town, and while some of the outlying buildings were not destroyed, all in the heart of the city were, except the churches and several others. Including those outside of the city, perhaps 4,500 houses were destroyed and the site was made desolate. There is a notable historical example—the destruction of Carthage by the Romans at the end of the Punic Wars, when the Romans ploughed up the site of Carthage. “A grand and awful spectacle is presented to the beholders of their beautiful city now in flames. The heaven is one expanse of lurid fire. The air is filled with flying, burning cinders. Buildings covering two hundred acres are in ruins or flames. We are leaving Atlanta. Behind we leave a track of smoke and flame. Yesterday, we saw in the distance a pillar of smoke; the bridges were all in flames. I heard a soldier say: ‘I believe Sherman has set the very river on fire.’ His comrade replied: ‘If he has, it’s all right.’ The rebel inhabitants are in an agony. The soldiers are as hearty and jolly as men can be. The soldiers are hunting for concealed things, and these searches are one of the pleasantest excitements of our march.” Thus wrote the aide-de-camp of General Sherman.

The consternation that was occasioned by these proceedings was immense. General Hood had withdrawn from

Sherman's vicinity and the Federal column had been left to its own devices. Sherman had written to Grant, "I can make Savannah, Charleston, or the mouth of the Chattahoochee. I prefer to march through Georgia, smashing things, to the sea. The utter destruction of its roads, houses and people will cripple their military resources."

The Constable Du Guesclin, the greatest warrior of the centuries, being on his death bed, in 1380, and bidding adieu to his veteran warriors who had served under him forty years, entreated them not to forget what he had said to them a thousand times—that in whatever country they made war, churchmen, women, infants, and poor people were not their enemies.

Sherman, a graduate of West Point, had been superintendent of the Louisiana Military Academy and he had such an idea of the conditions at the South in 1859, that he wrote: "Niggers! What can you do with niggers? They are not fit for soldiers; they are not fit for citizens; they are just fit for labor that white men cannot do. I would not, if I could, abolish or modify slavery." Now, to abolish slavery, he was disregarding every precept of civilized warfare.

Union Portraits, Bradford, 140

Sherman marched leisurely through Georgia unopposed, devastating a breadth of sixty miles, like a besom of destruction, burning residences and provisions, and carrying off all animals. As he expressed it, "instead of the people there furnishing provisions for the Confederate Army, President Davis will have to supply them or they will starve." He said: "War is hell." Milton's suggestive line runs: "Which way I fly is hell: myself am hell." In those regions are supposed to be His Majesty and his attendant Imps and the unhappy victims who suffer. So it was with the unfortunate women and children who were within the zone of Sherman's march. They were a religious, God-fearing people. They were trained in obedience to the laws of God and of their country; they were the true-blue American patriotic people: a most excellent, virtuous people, among the most admirable of the human race. Of them Senator Hoar of Massachusetts said: "Southern men were unsurpassed among the nations of the earth in courage, spirit, hospitality and generosity to their equals. With the love

The Christian women

Hoar's view



and habit for truth, which becomes brave men in all common things, they were subtle and skillful diplomats when diplomacy was needed to accomplish any political end. My long conflict with their leaders has impressed me with an ever-increasing admiration of the great and high qualities of our Southern people. Their love of home, their chivalrous respect for women, their courage, their delicate sense of honor, their constancy, which can abide by an opinion, or a purpose, or an interest of their states, through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing—covetousness, corruption, the low temptation of money, has not yet found any place in our Southern politics.”

No restraining power

Halleck's  
Laws of  
War, 457

Bowed down with personal grief, amid ruin and desolation, the sorrowing women accepted their fate at Sherman's hands, now freed from restraint. The power of the South had waned. In August, 1862, the author fell into the power of the Federal authorities, and was treated by Birney, Pope, Franklin, and at Halleck's headquarters with all the courtesy that could have been accorded a prisoner of war. In the fall of 1864, conditions had changed. The South no longer had power to enforce the observance of the precepts of civilized warfare. That restraining influence was now removed. “The modern usage is not to touch private property on land without making compensation, except in certain specified cases.” But it was not war that Sherman was engaged in: it was to create a hell. It was a holiday excursion, virtually unopposed. “We have consumed the corn and fodder in the region of country thirty miles on either side of a line from Atlanta to Savannah, as also the sweet potatoes, cattle, hogs, sheep and poultry, and have carried away more than ten thousand horses and mules, as well as a countless number of their slaves. I estimate the damage done to the State of Georgia and its military resources at one hundred million dollars, at least twenty million of which have inured to our advantage, and the remainder is simple waste and destruction.” Thus Sherman wrote in his official report. His intimate letters to Mrs. Sherman were in a more exultant strain.

Major Nichols, Sherman's aide-de-camp, presents in *The Great March* a vivid picture of the proceedings. "Beauty and Booty" was the incentive offered for enlistments in the city of "Brotherly Love." Sherman and his officers at least made good the promise as to "booty." The people were helpless, the women defenseless: there was no resistance. It was like Prometheus bound to the rock. Said Sherman to his wife, December 16: "We came right along, living on turkeys, chickens, pigs, bringing along our wagons, loaded as they started with bread, etc. I suppose Jeff Davis will now have to feed the people of Georgia instead of collecting provisions of them to feed his armies. . . . The amount of burning, stealing and plundering done by our army makes one ashamed of it."

Off. Records,  
Series 38,  
574

Nothing of value escaped the plundering horde, officers and men often vying with one another in acts of violence, insult, outrage, pillage, desolation and murder. Cromwell said: "Paint me as I am." Sherman and Nichols have perfectly filled out their own pictures.

So. Hist.  
Papers, Vol.  
XII, 306

Savannah was evacuated and Sherman took possession. On December 18, General Halleck, the Chief of Staff, from whose *Laws of War* the author has quoted, communicated with General Sherman: "Should you capture Charleston, I hope that by some accident, the place may be destroyed; and if a little salt should be sown upon the site it may prevent the growth of future crops of nullification and secession." To this Sherman replied on December 24: "I will bear in mind your hint as to Charleston, and I do not think salt will be necessary. When I move the Fifteenth Corps will be on the right wing, and their position will bring them into Charleston first: and, if you have watched the history of this corps, you will have remarked that it generally does its work pretty well. The truth is the whole army is burning with an insatiable desire to wreak vengeance on South Carolina. I almost tremble at her fate. We must make old and young, rich and poor, feel the hard hand of war, as well as their organized armies."

Salt and  
vengeance

Such was the spirit of the North at that time when the South lay prostrate. Similarly, Grant said to Halleck, July 14, 1864: "Send everything that can be got to eat out



of Virginia, clear and clean as they go, so that the crows flying over it will have to carry their provisions with them"; and, on August 26, to Sheridan in the Valley: "Carry off stock of all description, and negroes, so as to prevent further planting. We want the Shenandoah Valley to remain a barren waste."

A cheerful  
heart

And Sheridan, in cheerful heart, reported: "I have burned two thousand barns filled with wheat and corn, all the mills in the whole country, destroyed or driven off every animal, even the poultry, that could contribute to human sustenance. Nothing should be left in the Shenandoah but eyes to lament the war."

"All profess to be content in the Union if all constitutional rights can be maintained." Thus testified Mr. Lincoln in his inaugural. And so it was. But the cotton states felt themselves forced out of the Union; and there was no Northern hand raised to stay the movement. They did not prepare for war, but expected peace. North Carolina, Virginia, Tennessee, the entire border states held back. The North proclaimed the war. The North forced Virginia, North Carolina and Tennessee to choose sides, and now, after four years, during which the entire South made no demand except—"cease your war," the spirit of the North was exemplified in her chief generals—"Nothing should be left but eyes to lament the war": and that, particularly, in the country of Washington, Jefferson, Patrick Henry, Morgan, the Lees, Madison, Monroe, and all those others whose lives adorned the annals of the world.

History

Said Mr. Lincoln in his second annual message: "We cannot escape history. The way is plain, peaceful, generous and just: a way, which, if followed, the world would forever applaud and God must forever bless." And again said Mr. Lincoln, in his reply to the delegation from the Chicago chamber on September 11, 1862: "The rebel soldiers are praying with a great deal more earnestness, I fear, than our own troops, and expecting God's favor on their side; for one of our soldiers who had been taken prisoner told Senator Wilson a few days since that he met with nothing so discouraging as the evident sincerity of those he was among, in their prayers."

Nat. Intel.,  
Sept. 26,  
1862

A God-fearing people, who "all profess to be content in the Union if all constitutional rights can be maintained" were to be so harried that "nothing should be left but eyes to lament the war"—a war which they would have gone on their knees to Mr. Lincoln not to begin. Such was the declaration of Mr. Gilmer.

Fifty years later the Germans adopted Mr. Lincoln's idea and plan of warfare for Christian people, and began the destruction of women and children as well as soldiers by deadly gasses, as well as by bombs intended to destroy Paris, fifty miles distant; and in the year 1925, Mr. Lincoln's plan being accepted, it is said by scientists that within three hours after a successful attack the entire population of New York City, of Philadelphia, Boston, his own Springfield, the men, women, children born and unborn, would be exterminated. One turns with admiration to Du Guesclin in the dark days of the Middle Ages!

#### **Sherman not opposed**

As Sherman was preparing to leave Atlanta Wheeler's cavalry was thrown in his front, and the General Assembly of Georgia, on November 18, authorized the levy, en masse, of the people of Georgia to oppose him. But it was then too late. The want of coöperation with the Confederate authorities led to its natural result. General Cobb concentrated about five thousand militia, but they were as chaff before the wind.

To protect Savannah every available man was ordered there. Five companies of the Fortieth Regiment, under Major Holland, and five of the Thirty-sixth Regiment, under Maj. James C. Stevenson, were hurried from the Cape Fear. Likewise, the Fiftieth North Carolina, Colonel Wortham, had on November 24, been ordered from Williamston to Augusta, and then to Savannah; also the Seventy-seventh North Carolina, Senior Reserves, Colonel Shober (but after January 26, under Col. E. W. Hancock), also the Tenth Battalion, under Maj. W. L. Young. These were thrown into a brigade, and Col. Washington Hardy of the Sixtieth, who was present, was given command of the brigade. These all rendered effective service.

Clark, Vol.  
IV, 322



**Lee in supreme command**

On the 6th day of February General Lee was invested with the command of all the Confederate forces, under the title of Commander-in-Chief. He found Bragg in Eastern North Carolina, Beauregard at Augusta, Hardee at Charleston. Beauregard had designed the early evacuation of Charleston and the junction of all available troops to strike Sherman on his march; but Hardee delayed abandoning Charleston. Beauregard reached Columbia on the 16th, and assumed command of all forces in South Carolina; but it was then too late to concentrate to advantage.

Wheeler's  
cavalry

In Sherman's march through Georgia Wheeler's cavalry had been in his front and on his flanks. It was cavalry without supply wagons, having to subsist on the country, and, being in small detachments, it soon became irregular in its actions. In South Carolina it was the same. In particular, it was without restraint in dealing with such marauding detachments of Federal soldiers as they came in conflict with. In small bodies they scouted here and there, and, being often hotly pressed, fell into the habit of supplying their necessities without ceremony. Perhaps, also, they knew that the advancing Federals would sweep the country clean. So eventually they became a terror to friend and foe alike. Hampton, with some of his cavalry, also came later; but that organization was under better control.

**Sherman's march**

General Grant, with full information of what was passing within the Confederate lines, finding various Federal corps disengaged, brought Schofield's from the west to Annapolis, and designed that Sherman, on reaching the coast, should proceed by water to join him before Lee. But the Confederates proving so weak, his plans changed, and Sherman, on February 1, marched into South Carolina. On February 17 he reached Columbia, and on the 18th Charleston was evacuated. "Columbia and Cheraw, farther north, had been regarded as so secure from invasion that the wealthy people of Charleston and Augusta had sent much of their valuable

Grant's  
Memoirs.  
Vol. II, 416

property to these two points to be stored. Among the goods sent were valuable carpets, tons of old Madeira, silverware and furniture. "I am afraid," wrote General Grant, "much of these goods fell into the hands of our troops." Of the excesses of General Sherman's troops at Columbia some account is preserved in the memoirs of the scientist Le Conte. "With them one day was the same as another, unless it happened to be worse." The residences plundered and burned, and Columbia destroyed as designed, Sherman continued on his march northward.

Columbia  
burned

The burning of Columbia, the evacuation of Charleston, the capture of Wilmington, all marked the week ending February 22. The steady march of Sherman's columns northward at about eight miles a day, leaving desolation in their path, the uncertainty of any defense (for, indeed, none knew the location and movements of the separated Confederate troops at the southward), all combined to increase the consternation of the people in the regions of the Cape Fear and Pee Dee. There were two points to which Sherman might march: Charlotte and Fayetteville. Beauregard, in command, had supposed Charlotte would be his destination, and made his dispositions accordingly; and he himself took post there. At Fayetteville it was not so considered, and Colonel Childs, in command of the arsenal there, prepared for its evacuation. He also took steps to stop navigation up the Cape Fear from Wilmington, but the flood in the river rendered those measures somewhat abortive.

Childs's ac-  
tion

At the arsenal in Fayetteville was a company of fifty men of the ordnance corps, acting as guard, and the operatives were organized into companies; the whole constituting a battalion, of which the commanding officer of the arsenal, Frederick L. Childs, was the Lieutenant-Colonel, and Matthew P. Taylor was the Major. When General Butler made his attack on Fort Fisher this battalion reported at Wilmington for duty, and Company B, Capt. Armand DeRossett, remained there. When it became evident that Sherman was to penetrate the State all work at the arsenal was suspended, a large amount of supplies and material and some machinery were moved by rail to the Gulf, in Chatham County, and thence much of it was hauled by wagons to Greensboro.

The arsenal  
guards



On the approach of Sherman, the battalion, being the operatives, was encamped at the Gulf, and remained there until Johnston's surrender.

### **Military movements**

Johnston

On the 23d of February, Gen. Joseph E. Johnston, who was off duty at Lincolnton, was assigned by General Lee to the command with orders to concentrate all available forces and drive Sherman back. By arrangement, Beauregard undertook to protect the railroad line from Charlotte to Danville, and Johnston took the field. The available forces, on paper, amounted to about sixteen thousand troops, widely scattered from Charlotte to Cheraw and Newberry; while other squads, the remains of Hood's army, coming through Georgia in little parties, were eventually united at Augusta by Lieut.-Gen. Stephen D. Lee and conducted by him to Smithfield, North Carolina, in time to engage, later, in the battle of Bentonville. In addition, General Lee placed Bragg's forces, amounting to some six thousand men, at Johnston's command. On the first of March it was a question, says General Johnston, "whether Hardee from Charleston or Sherman from Columbia would first reach Cheraw." Thanks to the high waters, Hardee won and crossed the Pee Dee on the third. Then Johnston, convinced that Fayetteville would be the objective point, thought it would be practicable to unite enough troops to engage one of Sherman's columns while crossing the Cape Fear. General Lee, also, was of that opinion, and he sent dispatches to General Johnston at Fayetteville making suggestions to that end; but General Johnston was not at Fayetteville, and his whereabouts were unknown. In the emergency, the writer opened those dispatches. General Lee expected Johnston to engage south of the Cape Fear, mentioned particularly Hoke's Division as being able to take care of itself, but suggested that Johnston should see that the other troops threw up some breastworks and made preparation for stout defense. The tone of his reference to Hoke's Division was most complimentary. But there was no such concentration, General Johnston early realizing that it was then impracticable, al-

Lee's desire

Vance

though Governor Vance had placed every resource of the State at his command and coöperated with vigor and patriotic endeavor.

The troops in front of Sherman, including Hardy's Brigade, reached Florence and then Cheraw on March 3, and crossed the Pee Dee at Wall's Ferry on the 5th. Hardee, from Charleston proceeded with his little force to Rockingham, General Beauregard assuming that Sherman would continue northward to Charlotte; but Sherman, turning east, on the 5th crossed the Pee Dee, the right at Cheraw, the left at Sneedsboro. The swollen condition of the river had compelled Hampton with his cavalry to detour to the fords at Grassy Island, where he crossed two days afterwards, thus finding himself on the left of the advancing enemy instead of the front. Sherman's approach was slow but steady. His troops lived on the country and were similarly engaged in gathering in spoils as in South Carolina and Georgia. With a front of sixty miles they devastated the country.

Hardee

Sherman's  
march

Their coming to Fayetteville was expected with dread. Their practice of getting booty was well known, and precautions were taken to secrete silver. Their method of finding treasure was to shove a ramrod into the earth and if it struck an obstacle, at once the spade was used. Ladies resorted to the expedient of making an incision into the ground with a carving knife or similar instrument, and putting a fork or a spoon in, then covering and packing: the ramrod might strike and be deflected, and the spoon thus escape.

"Wherever the army halted," says Sherman's aide in his *Story of the Great March*, "almost every inch of the ground in the vicinity of the dwellings was poked by ramrods, pierced with sabers, or upturned by spades. It was comical to see a group of red-bearded veterans punching the unoffending earth. Nothing escaped the observation of these sharp-witted soldiers." Sometimes it may have been comical, but at others it was tragical.

The venerable Bishop of North Carolina, in some respects one of the foremost men of that period, Thomas Atkinson, being at his home at Wadesboro on March 3 when the Fed-

Bishop  
Atkinson



Mrs. Spencer, 63

Other atrocities

Mrs. Spencer, 64, 68

erals entered the town, sat down quietly at his books in his library, having asked the others of his family to remain in a room in the rear of the building. A soldier having knocked at the door, he opened it. "He at once, with many oaths, demanded my watch, which I refused to give him. He then drew a pistol and presented it at me, and threatened to shoot me immediately if I did not surrender it. I still refused, and the altercation becoming loud, my wife heard it, ran into the room and earnestly besought me to give it up, which I then did. He then proceeded to rifle our trunks and drawers, took some of my clothes from these, and my wife's jewelry." In some instances, says Bishop Atkinson, "defenseless men were killed for plunder. James C. Burnette, one of the oldest and wealthiest men in Anson County, was shot at the door of his own house because he did not give up his watch and money, which had previously been taken from him by another party. J. P. McLean was hung up by the neck three times and shot at once to make him disclose hidden valuables. W. T. Horne, Jesse Hawley and Alexander McArthur were all hung up until nearly dead. John Waddell was shot down and killed in his own house. The common practice, however, was not to shoot to kill, but to hang by the neck. Dr. Hicks of Duplin suffered that way, along with hundreds of others. Usually the residences were stripped of all provisions, and not infrequently they were burned down."

### At Fayetteville

The people of Fayetteville were very intelligent and patriotic. The leading men had been Union men, not Secessionists; but they were Confederates, and when the commissioners returned from the Hampton Roads Conference the citizens of Fayetteville held a public meeting and declared that they would redouble their efforts to achieve independence. It was with such a spirit that they bore the adversities that now befell them.

Story of  
Grand  
March, 222

Describing his entrance into North Carolina, Major Nichols says: "The army has passed through thirteen miles or more of splendidly managed plantations, the corn and

cotton fields are nicely ploughed and furrowed, the fences are in capital order, the barns are well built, the dwelling houses are cleanly, and there is that air of thrift which shows that the owner takes a personal interest in the management of affairs."

Mr. Rose says: "The Federal soldiers did not leave my family a mouthful. They took all my clothing, even the hat off my head, and the shoes and pants from my person. They took most of my wife's and children's clothing, all of our bedding, destroyed my furniture and robbed all my negroes. On leaving they set fire to my fences, outhouses and dwelling, which fortunately I was able to extinguish. Nine dwellings were burned to the ground in this neighborhood. Four gentlemen were hung up by the neck till nearly dead, and the women forced to yield their trinkets have never been numbered. It has been said that the corps were organized for spoils, and there were divisions of the spoils among the officers and men according to some regulations established among them. It was also understood that many officers, as well as men, had possessed themselves of much silver and jewelry. One officer, who subsequently married in North Carolina, it was said, gave his wife a considerable quantity of jewelry, rings and trinkets, some of which had belonged to one of her acquaintances in South Carolina. The property taken from another family, the jewelry, plate, money, etc., was estimated to be worth not less than \$25,000."

Spencer, 67

The spoils  
corps

The invading army found booty: but they did not find any desire to be subjugated. After Major Nichols had been a week or so in North Carolina, he wrote: "Thus far we have been painfully disappointed in looking for Union sentiment in North Carolina, about which so much has been said. Our experience is decidedly in favor of its sister state."

No Union  
sentiment

While such was the feeling in the Cape Fear country similar conditions prevailed elsewhere. There was prevalent a dread of Sherman, and terrible apprehension; but daily life continued much in its ordinary course.

Mrs. Spencer, at Chapel Hill, wrote: "On the 2d of April, Richmond was evacuated. Our President and his Cabinet were fugitives, our Capital City was delivered over to a

Spencer, 132



The general  
condition

mob and in flames. But we did not even dream of it. It was more than a week before the certain intelligence was received in central Carolina, and even then many doubted. Dismal rumors from Lee's army, of the fall of Petersburg, of the fate of Richmond, were whispered, but were contradicted every hour by those whose wish was father to the thought that there was hope yet, that all was not lost. We hardly realized through what an era of history we were living. The uninterrupted order of daily life continued. The children plan their little fishing parties, the plow-boy whistles in the field, the wedding supper is provided, and the daily course of external domestic life in general flows as smoothly as ever, except immediately in the track of the armies. So we still exchange our Confederate money with each other. Thirty dollars a yard for calico, \$10 for a pair of cotton socks, \$20 for a white straw hat, \$25 for a bushel of meal, and \$10 to have a tooth pulled, and very cheap at that, if we had only known all. Mothers were still preparing boxes for their boys in the army: the farmer got out his old battered tools in readiness for his spring work, the merchant went daily to preside over his stock in the store, and our little girls still held their regular meeting for knitting soldiers' socks, all unconscious of the final crash so near, while the peach trees were all abloom, and spring was putting on her bravery."

Thus it was in the myriad of homes throughout the land, where gentleness reigned, and where piety and patriotism went hand in hand. Still there were other streams of life, where men and women realized the calamities that had befallen their country, and their hearts were penetrated with gloom that cannot be portrayed.

### Hampton and Kilpatrick

The Confed-  
erates pass  
the river

On the night of March 9, being in the vicinity of Kilpatrick's cavalry, Hampton united all of his own companies and surprised Kilpatrick at daybreak, drove his troops into a neighboring swamp, and held possession of the camp, the artillery and wagons for some time. The Confederates carried off many horses and mules, and they brought off five

hundred prisoners and released 173 Confederates held by Kilpatrick. As information of this brilliant stroke spread it brought general satisfaction, but it was only a flash of light amid the prevailing darkness.

The morning after this affair, Hardee's infantry having already passed through Fayetteville and the streets being full of trains and horses but no troops, a detachment of a hundred and fifty Federal cavalry dashed into the town. General Hampton who had preceded his cavalry and was at breakfast, hurrying out at the head of a dozen men, staff officers and couriers, charged the Federal detachment, killing two with his own hand, capturing some and putting the remainder to flight. His cavalry soon came in; and presently it, too, passed the river, and on the morning of April 11, General Sherman took quiet possession.

Johnston, •  
532

Sherman had by couriers requested General Schofield at Wilmington to send him provisions by steamer, which then arrived. For several days the Federal army rested at Fayetteville, and an opportunity was afforded them to send North the silver and jewelry and other valuables of which they had despoiled the inhabitants along their route. Pursuing his usual course, General Sherman destroyed the arsenal buildings, the office of the Fayetteville *Observer*, and the seven cotton factories and mills in the vicinity. The soldiers burned dwellings to please their fancy, and created havoc and desolation in sheer wantonness. Nothing of value was left.

Sherman at  
Fayetteville

Spencer, 68

General Sherman found at the residence of Col. Frederick L. Childs, the commandant of the arsenal, Colonel Childs's sister Jennie, Mrs. Anderson, and his aged mother, from whose house at Fortress Monroe Sherman had been married. The venerable lady was somewhat afflicted with palsy. When the General entered, he said: "Ah! Mrs. Childs, this is no place for you. You must go to General Woodbury's (one of her daughters was the wife of the distinguished engineer, General Woodbury of the United States Army), and you, Jennie—you should go to the Anderson's (likewise previously a United States Army family). I am sorry to see you here. But as for that damn little Fred Childs—if I catch him, I'll hang him as high as Haman." And, then,



in a wild burst of passion, he exclaimed: "I come through now creating devastation. If that does not answer, I will come through with fire and sword, and slay the people and leave desolation; and, then, if they do not submit, I will come through again, and leave nothing alive and sow the ground with salt." And the palsied widow of General Childs looked on aghast in horror at the spectacle.

### Salisbury prison

Up to October, 1864, Salisbury prison was free from the horrors that subsequently became so deplorable. In that summer there were no Federal prisoners confined there; the inmates in July being 310 Confederate soldiers serving sentences under court-martial, 164 political prisoners, and 96 deserters from the Federal Army, not subject to exchange. But with the opening of autumn it became necessary to transfer Federal prisoners from other points. The Federal government had ceased exchanging prisoners and no adequate provision had been made for the considerable number that fell into the hands of the Confederates.

By October 5 five thousand had arrived, and soon they increased to ten thousand. The accommodations were insufficient. Within the prison bounds there was not enough shelter, nor could tents be supplied. At that time the Confederates held a very great number, and the Federal authorities persisted in not exchanging.

In 1864 Governor Curtin of Pennsylvania went to Washington on three different occasions and appealed to Stanton and Lincoln for an exchange of prisoners, as the Southern Confederacy proposed. Each side held about 30,000 prisoners. On the third visit, Stanton grew impatient, even insolent. "Do you come here and ask me to exchange 30,000 skeletons for 30,000 well-fed men?" To which Curtin replied: "Do you dare to depart from the laws of humane warfare in this enlightened age of Christian civilization?" Curtin failed.

Said General Grant in August, 1864: "It is hard on our men held in Southern prisons not to exchange them, but it is humanity to those left in the ranks to fight our battles.

Curtin and  
Stanton

McClure's  
Lincoln,  
241

Grant's view

If we commence a system of exchange, which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught, they amount to no more than dead men." That, then, was the policy of the Federal government. The South was embarrassed by the situation. Mr. Davis recognized the obligations of a Christian soldier. The men who had surrendered were under the Confederate law to receive the same rations and treatment as Confederate soldiers, and under military law were to be cared for and not subjected to unnecessary hardships. Unable to perform these obligations to his satisfaction, President Davis offered, during the summer, to deliver at the mouth of the Savannah River fifteen thousand sick, wounded or well Federal prisoners without asking any equivalent. It was not until November that the Federal government supplied transportation to receive these men. In return thirty-five hundred sick and wounded Confederates were started from Northern prisons, but during the passage about five hundred of them died. The Federal authorities, to embarrass the South, had declared medicines contraband of war, in violation of usage. Mr. Davis offered to purchase medicine from the United States authorities to be used only for Federal prisoners, to be brought by United States surgeons and dispensed by them, the payment to be made in gold, cotton, or tobacco. But the proposition was not accepted. A delegation of Federal prisoners was sent from Andersonville to plead their cause before the authorities at Washington; but their pleadings were without avail, and they were told, "No, go back. You are rendering your country better service by staying at Andersonville than you would on being exchanged." And on their return, bearing this message to their fellows, the hearts of the poor prisoners failed, despair took the place of hope, and they died faster than ever. Five thousand were sent at one time in a batch to the nearest Federal headquarters in Florida without any equivalent being required, and they had to march back to their prison, as the commander, under orders, had to refuse them.

The treatment of prisoners

True Story of Andersonville



The Legislature of North Carolina offered to supply blankets and clothing to the Federal prisoners at Salisbury if the Federal government would supply an equal amount for Confederates in their hands. The offer was not accepted. At length, however, the Federal government so far relented that it assented to a proposition that each government might supply its captured men with clothing, and ten thousand suits were received at Salisbury and distributed by Federal officers who were paroled for that purpose. "Whatever may be said," remarked Mrs. Spencer, "of the treatment of prisoners at Andersonville or elsewhere, it is certain that no efforts were spared on the part of the public authorities of North Carolina nor, we may add, of the community around Salisbury, to mitigate as far as possible the inevitable horrors of war." But, notwithstanding every effort that could be made to the contrary, there was much deplorable suffering at Salisbury, and three thousand of the prisoners died. About the middle of February, 1865, however, the Federal authorities assented to an exchange, and all the Federal prisoners of war were sent away.

The exchange

## CHAPTER LVII

### BENTONVILLE AND APPOMATTOX

Inaugural Address of Mr. Lincoln.—His Fine Phrenzy.—Johnston at Raleigh.—Bragg fights at Kinston.—Hardee at Averasboro.—Atkinson's company.—Johnston at Smithfield.—Bentonville.—The first day; the second day.—The Confederate organizations engaged.—The Junior Reserves.—Sherman at Goldsboro.—Lincoln, Grant and Sherman at City Point.—Movements for peace.—Graham.—Separate state action proposed.—Vance not favorable.—Appomattox.—Lee's purpose.—Barringer at Chamberlain Run.—Five Forks.—Richmond evacuated.—Namozine Church.—Barringer captured.—Lee at Amelia Court House.—Retreat without provisions.—Grimes rear guard.—Sailor's Creek.—Grimes at Appomattox.—Ordered to retire.—Cox's Brigade fires the last volley.—The surrender.—The men.—Lee and Grant.

#### **Lincoln's inaugural**

President Lincoln, in his inaugural, March 4, 1865, said:

"One-eighth of the whole population were colored slaves, not distributed generally over the Union but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate and extend this interest was the object for which the insurgents would rend the Union even by war, while the government claimed no right to do more than to restrict the territorial enlargement of it.

"Neither party expected for the war the magnitude or the duration which it has already attained. Each looked for an easier triumph and a result less fundamental and astounding."

While the existence of slavery at the South was a circumstance, it had been in existence for two centuries. Then in December, 1861, South Carolina withdrew from the Union, followed by the gulf states. Was this action taken with the view and purpose of extending slavery? If so, where was it to be extended? Did those states leave the



Union for that purpose? Certainly not. North Carolina, Virginia, Tennessee, Arkansas remained in the Union. All was peace until April, 1861. Neither in the seceded states nor in the border states did any one want war; no state was prepared for war. The Congress of the United States did not expect war and made no provision for it, on the contrary, it sought by a constitutional amendment to restore the Union. But unexpectedly, in April, Mr. Lincoln began hostilities against the seceded states without any legal authorization. The war was Mr. Lincoln's personal action. Hostilities having been begun by him, the border states took sides with the seceded states. There was resistance to his invasion of the Southern States. It is not historical to say that the Southern States fought for slavery. It is historical to say that hostilities having been begun against the few seceded states, the people of the border states cast their lot with their Southern brethren. It is doubtless true that Mr. Lincoln did not visualize the magnitude of the struggle he was inaugurating, and similarly at the South there were those who did not suppose that the North would be so persistent; but the Southern people were from the first on the defensive, and the prolongation of the contest was not with them.

It was an unnecessary war, for Congress had proposed a settlement of differences that was intended to lead the seceded states to return to the Union; and many statesmen at the South thought that would result.

As for the purpose to break up the Union, there was no thought of that or tendency that way before November, 1860; quite the contrary. And even in July, 1861, after two months of flagrant war, Mr. Lincoln, in his message, said that it was thought that "in all the states, except perhaps South Carolina, a majority of the people were for the Union." The border states so declared up to the moment when he created a situation that led them to resist him. It was not for the perpetuation of slavery that North Carolina and the border states resisted invasion and took sides against Mr. Lincoln in the unauthorized warfare he had illegally begun. The South then fought the invader, with

true American spirit, to the bitter end, even unto subjugation from exhaustion.

Then added Mr. Lincoln, in closing:

"Yet if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword—as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'"

It was his invasion that drove the Union States of North Carolina, Virginia, Tennessee and Arkansas out of the Union, and his persistence that created the long struggle. His purpose was to impose his individual will—without the sanction of Congress—upon the resisting people of the Southern States; upon the Washingtons, Jeffersons, Patrick Henrys and other patriots of the South, who did not bow down to him as their master; the Christian people of refinement and culture, of loving sympathies and tender affection, who represented all that was highest, noblest and best in American life.

Mr. Lincoln's fierceness in 1865 is in marked contrast with his earlier utterances: nor does it seem to have been justified by the attitude of the colored people at the South toward the whites—by the relations of the slaves to their masters.

The resolutions of the negro convention held at Raleigh six months later are a speaking commentary spread on the records of time, in singular contrast with Mr. Lincoln's fierceness.

See p. 1027

### **Military movements**

General Johnston, on his appointment by General Lee, conferred with General Beauregard, and while each realized that Confederate success seemed hopeless, both deemed it incumbent on them to do what was possible to obtain the best terms for the Confederates. General Johnston, arriving at Raleigh, remained there, receiving the heartiest co-operation from Governor Vance and the State officials. He

March, 1865



1865

was concentrating such troops as he could at Smithfield, to meet General Sherman, when suddenly another danger threatened. Schofield's column was marching on Goldsboro from New Bern.

Battle at  
Kinston

On March 6 General Bragg, at Goldsboro, informed Johnston that a heavy Federal force was approaching Kinston and asked that the troops under Gen. D. H. Hill, being Stephen D. Lee's Corps of the western army, should join him. General Hill reached Kinston the next day and, along with Hoke's Division, vigorously attacked General Cox, driving him away, capturing 1,500 prisoners and leaving a large number of the Federals dead and wounded on the field. But Federal reinforcements having arrived, Bragg retired to Goldsboro.

Averasboro

Hardee, on crossing the Cape Fear, took the road leading to Smithfield and Raleigh. On the 15th of March he occupied a position four miles from Averasboro, and that evening a Federal column, being the Fourteenth and Twentieth Corps, approached and there was some skirmishing. Hardee's position was well chosen, the Black River nearly approaching the Cape Fear at that point, and he made excellent dispositions, but had only some six thousand men. Early the next morning the Federals, General Sherman being on the field in person, attacked with vigor, using their artillery to advantage; but their infantry was always repulsed. In the early afternoon they moved a heavy force farther to the east, completely flanking the left of Hardee's position, which necessitated a retirement of that wing about four hundred yards to the main line. Here again and again, every assault was repulsed. During the night the Federals proceeded to fortify their position and threw heavy columns across Black River; and Hardee, being thus flanked, fell back towards Smithfield, leaving Wheeler's men in position. In this battle was Company H of the Fiftieth Regiment, raised in April, 1862, in that neighborhood, by Capt. Joseph H. Adkinson. It had served in Virginia and the eastern counties of the State, at Savannah, and then, at the very end of the war, it had the singular fortune of fighting there in defense of their own homes after many wanderings and vicissitudes.

Adkinson  
fights for  
home

### Bentonville

As it was uncertain whether General Sherman would proceed toward Raleigh or toward Goldsboro, Johnston took position at Smithfield, midway between those towns, having with him Bragg's force that had been at Kinston, being Hoke's Division including the Junior Reserves, and Lieut.-Gen. Stewart's command, the remnants of the Army of Tennessee, each numbering about four thousand. Hardee being at Elevation, on the morning of the 18th it was discovered that General Sherman was moving toward Goldsboro. His right wing on a direct road had crossed Black River; while the Fourteenth and Twentieth Corps were on the Averasboro road and would pass near the hamlet of Bentonville, about sixteen miles south of Smithfield and some six miles distant from the route pursued by Sherman's right wing. Johnston considered that the situation offered an opportunity to concentrate near Bentonville and strike the enemy's left wing to advantage. But the distance from Elevation was greater than he thought, so that Hardee did not arrive quite as early as desired, and the distance between the two wings of the Federal army was less than understood, so that eventually the right wing gave aid to that attacked.

A field of battle was selected by General Hampton, who caused some light intrenchments to be thrown up across the road the Federals would travel; to detain them until Hardee should arrive. Johnston moved forward to the ground selected and Hoke's Division, leading, was formed at right angles to the road, where its center rested. The artillery was on Hoke's right, commanding the Federal approach. The Army of Tennessee was extended so as to form an angle, within which the Federal front would be confined. After a half hour of sharp contest at short range Hoke, with 4,500 men, drove the enemy back. A similar attack, made on the Confederate right met with the same result. Then Hardee, commanding the right, with 5,500 men, advanced to the attack, Hoke's Division joining and continuing the forward movement. The Confederates carried the Federal intrenchments, took three pieces of artillery,

The Federals  
driven back



March 20

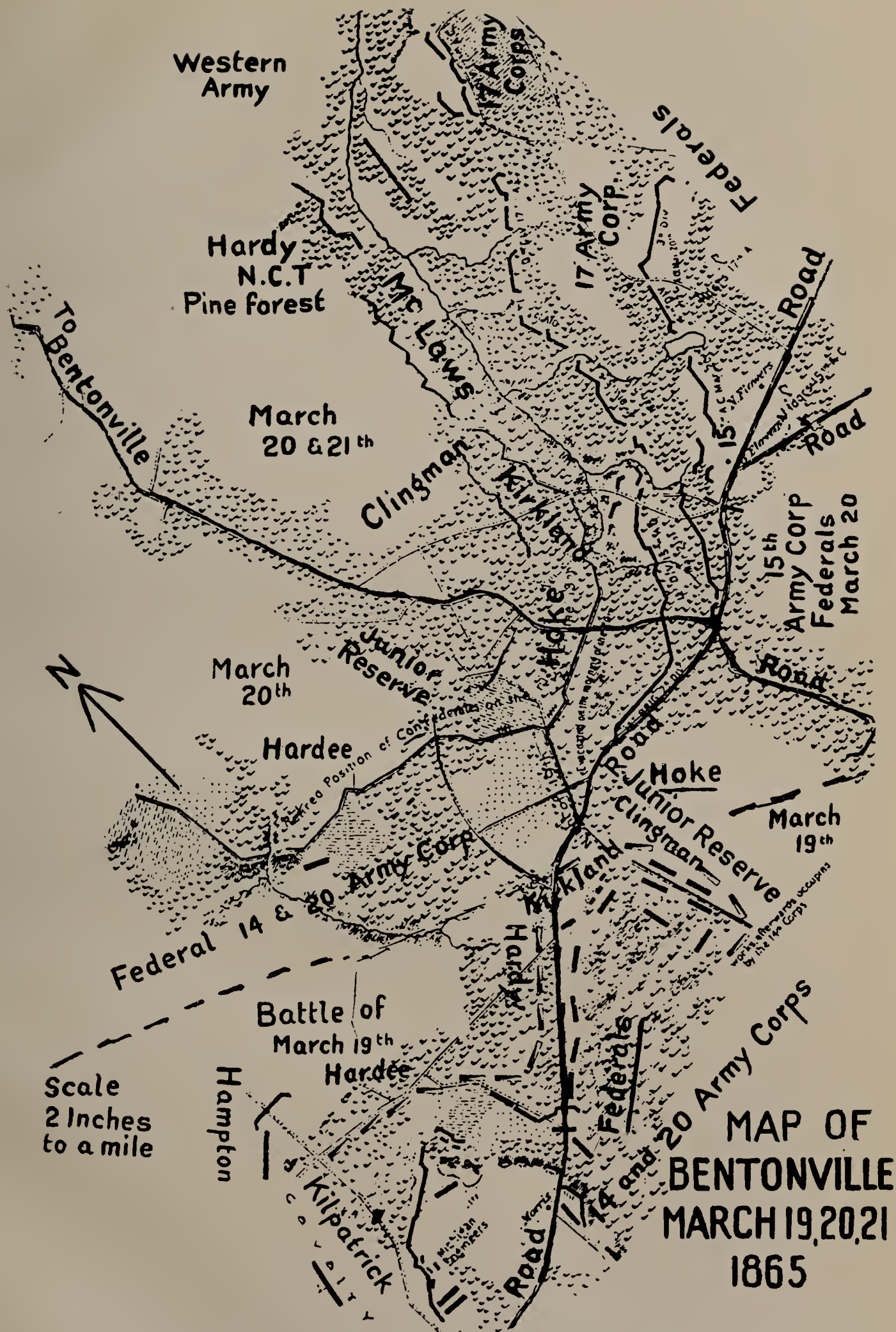
and drove the enemy a mile and a half before them. But on the Confederate extreme left the Federals held firmly, with the aid of breastworks and a thicket of blackjack, which greatly impeded the Confederate advance there. Indeed, the thicket so interfered with all movements that Johnston at nightfall held up his attack. The wounded were removed.

The other  
Federal  
corps

Early on the 20th the right wing of the Federal army had crossed to this road and was approaching Hoke's rear from the east. To meet this condition, Hoke withdrew from across the road and formed parallel to it. At noon the Federal army, being united, made repeated attacks on Hoke till sunset; the last being on Kirkland's Brigade. All their attacks, however, were fruitless, Hoke's troops withstanding them with unsurpassed resolution. But, eventually, the enemy overlapped Hoke's left, and McLaws and the cavalry were thrown to the east to hold them; but, later, Owen's Federal Division succeeded in passing the Confederate left, and, Johnston moving troops to meet it, the scene of conflict was changed to that location. While Cummings's Georgia Brigade attacked in front, Hampton attacked Mower's right flank and Wheeler assailed his rear. These simultaneous attacks were so skillfully and bravely made that, despite the great disparity in numbers, Mower's Division was driven back along the very route by which it had advanced. At night all the wounded were removed, and the Federal army being now united and a hazardous stream, swollen by rains, being in Johnston's rear, he retired north of Mill Creek. The Federals sought to follow, but after repeated attempts had failed they abandoned the purpose. The Confederate loss in three days was 223 killed, 1,467 wounded, 653 missing: and their losses were supplied by the arrival on the 20th and 21st of about two thousand men of the Army of Tennessee. The Confederates captured 900 prisoners, and the Federal loss otherwise must have largely exceeded four thousand.

The end of  
the battleJohnston,  
393

The Confederate force engaged was about fourteen thousand. Among them were these North Carolina organizations: Clingman's Brigade, Kirkland's Brigade, the brigade



THE BATTLE OF BENTONVILLE





of Junior Reserves commanded by John H. Nethercutt, consisting of the Seventieth Regiment, Col. Charles W. Broadfoot, the Seventy-first, Col. John H. Anderson, the Twentieth Battalion, Capt. C. M. Hall; Col. Wash Hardy's Brigade, Fiftieth Regiment, Colonel Wortham; Seventy-seventh Regiment, Senior Reserves, and the Tenth Battalion (of this battalion every officer was wounded but two); parts of the Fifty-eighth and Sixtieth Regiments under Maj. G. W. F. Harper; Starr's Fayetteville Battery, under Capt. George B. Atkins; Third Battalion under Maj. J. W. Moore; Battery A, under Capt. A. J. Ellis, and Battery B, under Captain Badham; Ninth Battalion, under Col. John D. Taylor (this command carried in 257 men and lost 152); a section of Cummings's Battery under Col. Stephen D. Pool.

The North  
Carolina or-  
ganizations

Maj. Walter Clark commanded the skirmish line of Hoke's Division.

Happily in this the greatest battle ever fought on North Carolina soil there was nothing in the action of any Confederate organization engaged to call for a sigh of regret. That there was any battle, with its wounds and loss of life, may well be deplored; but there arises no suggestion of any inefficiency on the battlefield. Well planned, it was well fought. The veterans of the Army of Tennessee never bore themselves better, and the same can be said of Hardee's troops and of the heroes of Hoke's Division. The Junior Reserves covered themselves with glory. General Hoke subsequently wrote: "At Bentonville, you will remember, they held a very important part of the battlefield in opposition to Sherman's old and trained soldiers, and repulsed every charge that was made upon them, with very meager and rapidly thrown up breastworks. Their conduct in camp, on the march, and on the battlefield was everything that could be expected of them, and I am free to say, was equal to that of the old soldiers who had passed through four years of war."

The Junior  
Reserves

Clark, IV,  
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### At Goldsboro

Sherman now continued his march to Goldsboro, where General Schofield's Corps awaited his arrival. It is to be remarked that General Schofield's occupation of Goldsboro had been without incident. There were no deviations from the practices of civilized warfare. On the other hand, Sherman pursued the same course in North Carolina as farther south. General Grant had no idea originally of having Sherman to march from Savannah, but, on Sherman's suggesting it, he was only too happy to approve it—"If North and South Carolina were rendered helpless so far as capacity for feeding Lee's army was concerned, it would seriously affect Lee's situation." But to accomplish Grant's military purpose, it was not necessary to deprive women and children of their food, to burn residences, to take possession of the jewelry of the women, of their spoons and finger rings, to put men to death while dispossessing them of their valuables. The change from Schofield's soldierly action to that of Sherman's, at and in the vicinity of Goldsboro, was as above indicated.

Grant's  
Memoirs, II,  
401

One writing of conditions at Raleigh at this time recorded: "Raleigh was now filled with wounded and disabled soldiers; the churches and every available space were turned into hospitals. I did what I could, but it seemed nothing. The Episcopal Church being nearer to me, I went there mostly; many poor men on benches, some in high delirium, some in the agony of death. A young soldier passed away, none knew his name or home; as the coffin lid was being screwed down, a dear old lady pressed her lips to his brow, and said, 'Let me kiss him for his mother.' Every heart responded and all eyes were filled with tears. Volumes of heartrending and pathetic incidents could be written of our four years cruel war. Although we were becoming less hopeful, yet the fall of the Confederacy was unexpected at last."

### President Lincoln, Grant, Sherman

While these events were in progress at the south, Lee's 1865 situation was daily becoming more untenable. President Lincoln was toward the end of March at City Point, in daily intercourse with General Grant. General Sherman, after reaching Goldsboro, went by way of New Bern to City Point to confer with General Grant as to future movements and operations, and there, on March 27th, had an interview with the President. It seems that the President was desirous of having the conflict to end without any further destruction of life, and General Sherman was impressed with the President's earnest desire to close the war speedily: the prerequisite being entire submission to the Federal authority, the restoration of the Union, and the abolition of slavery; these being President Lincoln's only requirements, as understood by Sherman at that time.

### Graham's movement for peace

"As the fortunes of the Confederacy lowered," wrote Mrs. Spencer in her *Last Ninety Days*, "all men of pre- vision and sagacity turned their thoughts toward the pos- sibility of overtures for peace as becoming daily of greater importance and more imminent necessity. But how could this be done? With a powerful enemy pressing us, with war established by law, with entire uncertainty as to the terms to be expected in case of submission, with the neces- sity imposed of making no public demonstration which should dampen the ardor of our troops, depress still further the spirits of our people, or excite the hopes of the enemy; and, with such obstacles in the way, peace could not be ap- proached by a public man without involving the risk of inau- gurating greater evils than those he sought to avert." Spencer, 110

Responsive to the feeling among the members of the As- sembly who were of the peace wing of their party, in De- cember, 1864, Dr. Leach introduced in the Confederate House of Representatives resolutions that when the United States should recognize the reserved rights of the states the Confederacy would treat for peace on any terms the com-

Hamilton:  
Reconstruc-  
tion, 67



missioners might agree on. These resolutions were rejected—only Josiah Turner, G. W. Logan and Dr. Leach voting for them. The sentiment of the House was still for independence as the *sine qua non*.

It fell to Senator Graham's lot to be a principal actor in the last scenes. Of Graham it is to be said that, like nearly all the other Whigs of the South, he was opposed to the secession movement that took shape on the election of Mr. Lincoln; that he opposed the call for the convention in February, 1861; that he stood with Badger, and also with Chief Justice Ruffin, a Democrat, in his opposition to the Craige Ordinance of Secession, but for Badger's proposed ordinance "as a measure of revolution and of national interest and safety." Mrs. Spencer has written: "From the date of the Secession Ordinance he endeavored in good faith and honor to sustain the cause of the Confederate States, but without any surrender on the part of the people of the rights and liberties of freemen. In the convention, in 1862, he delivered an elaborate speech in opposition to test oaths, sedition laws, the suspension of the writ of habeas corpus, and all abridgment of the constitutional rights of the citizens, either by State Convention, by Legislature, or by Congress, which may be safely pronounced the clearest and ablest vindication of the cardinal principles of civil liberty presented in the annals of the Confederacy."

The action  
of the former  
Whigs

He manifested "an evident determination that the country should be free, not only in the end, but in the means." Senator Graham had long been one of the most distinguished and eminent of North Carolinians, a man of the highest character, unblemished virtue, and spotless integrity, and of Revolutionary ancestry. "He gave five sons to the army, some one of whom was in every important battle on the Atlantic slope (except Bull Run and Chancellorsville), two being present when the flag of Lee went down on his last battlefield at Appomattox, while a third then lay languishing with a severe and recent wound at Petersburg." His several sons, perhaps without preliminary training at military schools, had, like other patriotic young men, entered the service of their State, and had the vicissitudes that "time

and chance bring to all men"; for in those days favors came to none, even those of distinguished connection.

"Governor Graham's youngest sister, wife of Rev. Dr. Morrison, the first president of Davidson College, had three sons and four sons-in-law—namely, Maj. A. C. Avery, Gen. Rufus Barringer, Gen. D. H. Hill, and (*O præclarum et venerabile nomen*) Stonewall Jackson. Major Avery was one of five brothers, three of whom fell in battle. Waightstill, the oldest, the pride of the connection, was the son-in-law of Governor Morehead and his colleague in the first Confederate Congress. He fell in Kirke's raid, near Morganton. Governor Morehead had two sons and two sons-in-law in the army; the two latter were killed. Governor Charles Manly, another distinguished Whig, had three sons in the army and three sons-in-law, of whom two were killed."

Spencer,  
106, 108

"There were not wanting," says Mrs. Spencer, "those in the dark hours of the contest who spoke of it as 'the rich man's war, and the poor man's fight.' These examples show that it was the war of all. The rich and the poor met together, and mingled their blood in a common current, and lie together among the unrecorded dead."

Continuing, Mrs. Spencer adds, that any other method of terminating the war than through the constituted authorities "would have been revolutionary, and have provoked civil strife among us, and doubtless, sharp retribution."

Governor Graham, who appears to have hoped that some terms of peace could be obtained other than those offered by President Lincoln—to wit, submission to the Federal Government, including the abolition of slavery—sought avenues to peace.

On March 5, Judge Campbell, Assistant Secretary of War, laid before the President a report demonstrating the exhaustion of the resources of the Confederacy. This was submitted to Congress by the President about the middle of March, but Congress then adjourned without action.

On March 12, Governor Graham wrote to Governor Swain: "The passing week will develop important events. The President has requested Congress to prolong its session to receive communications which he desires to make. In



March 12 my opinion he is powerless, and can neither make peace for our security, nor war with success.

The negroes  
to be armed "The bill to arm slaves has become a law. It proposes to take them only with the consent of their masters; and, in the event of failure in this, to call on the state authorities to furnish. I trust no masters in North Carolina will volunteer or consent to begin this process of abolition, as I feel very confident the General Assembly will not." The act gave freedom to all slaves who should be so employed.

Graham's  
view A week later, Congress having adjourned, Governor Graham came to Hillsboro and, on March 20, had an interview with Governor Vance on the subject of separate state action. Governor Vance called the Council of State to meet on March 27, to consider the subject of convening the General Assembly. The Legislature of Virginia had been in session, but had taken a recess until March 29. Governor Graham, in view of the fact "that the war is now nearly reduced to a contest between these two states (Virginia and North Carolina) and the United States," and that "I perceive no solution of our difficulties except through the action of the states," wished the Legislature to meet at the time that of Virginia was in session. He had had confidential conversations with a committee of the Virginia Legislature, and wished action to be taken in concert. Six of the North Carolina Congressmen "were ready to call a session of the Assembly by advertisement." He told Governor Vance that Richmond would fall in less than thirty days, and that would be followed by the rout or dispersion of Lee's army.

State action . . . That Johnston could not raise a sufficient force to encounter Sherman. . . . That he had conferred with the President and had found him, though in an anxious frame of mind, constrained by the scruple that he could not commit suicide by treating his government as out of existence. It should be remembered that President Davis desired an armistice, with the understanding that slavery being abolished, the Southern States would return to the Union.

Spencer,  
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Ibid., 138,  
139

The Council convened. Vance submitted to it the question of calling the Legislature together. He did not recom-

mend it, and the Council being evenly divided the call was not made. Thus affairs rested temporarily.

### Five Forks

General Lee had an army of about thirty-five thousand men defending Petersburg and Richmond. He and President Davis realized that sooner or later he would be forced from that position, and his purpose was to retire toward the mountains. But the President postponed the movement. At length, with the opening of April, General Lee directed that provisions should be held for his army at Amelia Court House; and his position being no longer tenable, he so advised General Johnston.

April, 1865

Lee's purpose

The North Carolina cavalry had ever been active and efficient. It had borne itself worthily on many a contested field. On the morning of the 31st of March, at Chamberlain's Run, General Barringer, with the Ninth, Nineteenth and Sixty-third Regiments was engaged in "one of the most fearful and fiercest battles." It was a complete victory, the Federals being broken and the Confederates in full pursuit until night closed in; and it was the last Confederate victory on Virginia soil.

Chamberlain Run, March 31

On the morning of the next day General Grant succeeded in turning Lee's right flank, and "the last hope of the Confederates went down in darkness and despair." The battle at Five Forks ensued. It was a terrific contest. General Grant says: "The enemy lost very heavily, as well in killed and wounded as in captures. Some six general officers fell into our hands, and seven thousand men were made prisoners." Lee lost ten thousand men, one third of his army.

April 1, Five Forks

The disaster

President Davis and General Lee had realized that the end was being reached—that Petersburg and Richmond would have to be evacuated, and their purpose was that Lee should turn toward the mountains. Lee had desired to make that movement earlier, but the authorities at Richmond delayed. He had directed that supplies should be placed at Amelia Court House; and his position now being perilous, on Sunday, April 2, he notified President Davis

Richmond evacuated



that he would withdraw that night. Richmond was then evacuated.

### Namozine Church

Clark, I,  
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On the night of the 2d General Barringer's cavalry camped near Namozine Church, twenty-five miles from Petersburg, covering the extreme rear of the line. Early on the 3d, at that church, with eight hundred cavalry, Barringer awaited the attack of Sherman with eight thousand. The conflict fiercely raged, but there could be only one result. The North Carolinians suffered heavily.

Among the officers killed were Lieutenant-Colonel Shaw and Col. James H. McNeill. Colonel McNeill, a nephew of Chief Justice Ruffin, was a Presbyterian minister. Of him it has been written: "The faith and the fight and the loyalty to God of the Old Covenant was all in him fully. I have seen him standing under the fluttering folds of the Confederate battle flag, with its blood-red field and starry cross, a great crowd of soldiers in slouch hats and gray uniforms sitting on the bare ground in front of him; and heard him preaching to them, as their only salvation, the blood and the cross of Jesus Christ." Like Jackson, he led his regiment in prayer and in battle; he was right at the front of the fight, advancing against an advancing foe, and "ready" when God's bugle called him.

Meary in  
Clark, III,  
643

Barringer

At the very end of this battle unhappily General Barringer himself fell into the hands of the enemy. That famous cavalry leader had been in sixty-six engagements and was wounded on three occasions. He was conspicuous on every field where he was engaged. At Buchland Races he led the charge; at Davis Farm he was the sole commander; at Reams Station he commanded the division; at Chamberlain's Run he added to his laurels.

Biog. His-  
tory, I

Lee's disap-  
pointment

Grant now pressed on. Lee also hurried to reach Amelia Court House, where he had directed a supply of provisions to be held awaiting his arrival. Arriving there on the 5th, he found the provisions had been carried on to Richmond, and his troops could not be supplied. From that time on his retreat was under the most adverse circumstances. With

him were the following North Carolina organizations: Grimes's Division, in which were Cox's Brigade and Grimes's, then under Col. D. G. Cowan; Early's Division, in which were Johnston's Brigade, under Col. J. W. Lea, and Lewis's Brigade, under Capt. John Beard; Heth's Division, in which were Cooke's Brigade and McRae's Brigade; Wilcox's Division, in which were Lane's Brigade, and Scales's, under Col. J. H. Hyman; Johnson's Division, in which were Ransom's Brigade, under Col. Lee M. McAfee, and the remnant of Barringer's and Roberts's cavalry brigades; and Miller's, Manly's, Ramsey's, Williams's and Cummings's batteries; all of them much reduced in numbers. These organizations with their weary companions in arms were now subjected to the most terrible experiences.

The North  
Carolinians

General Grimes's Division, being the rear guard, after an all-night march, at Amelia Springs found the enemy pressing them, and at eight in the morning General Grimes threw his two North Carolina brigades, Cox's and Cowan's, across the road, with General Roberts's cavalry on his right. When pressed, these brigades were to retire and those of Battle, Cooke and Archer were to hold the enemy in check. Then the latter were to retire, the former withstanding the enemy. This performance being repeated constantly during the day, the enemy was held back until Sailor's Creek was reached. There time was needed for the artillery to cross. Grimes repeatedly repulsed the assaults of the enemy, until they had flanked his division on both sides, when the Confederates were driven off in confusion, Ewell's Divisions being surrounded and captured, the loss to the army being ten thousand. That night they took the road to Farmville, and again their brigades repulsed the enemy. On the 8th the march was not disturbed. But now Lee's force was reduced to only ten thousand.

It was at Sailor's Creek, when Lee's brigades were disorganized and the swarming enemy flushed with victory were closely pursuing, that General Lee, on his horse on a commanding knoll, sent his staff to rally the men—when presently an orderly column came up. A smile of momentary joy lighted up the distressed features of the General,

Sailor's  
Creek



Clark, IV,  
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as he called: "What troops are these?" "Cox's North Carolina Brigade," was the reply. Taking off his hat, and bowing his head in courtesy and kindly feeling, General Lee said, "God bless gallant old North Carolina."

Appomattox

That night the Federals gained Lee's front. Before daylight Grimes passed through Appomattox Court House, finding the enemy before him. General Grimes advanced. General Fitz Lee attacked also with his cavalry, and the enemy was driven back more than a mile, opening the road to Lynchburg. The sun was now well up. General Grimes received an order from General Lee to retire. General Grimes ordered General Cox, in command of his brigade, to maintain his advanced position until the other brigades were well withdrawn, and then to fall back.

### The last gun

Clark, I, 96

Off. Records,  
95, 1277

General Cox says, "Being pressed, it became necessary to check the advance of the enemy." He directed the colonels commanding the regiments to meet at the center, and, pointing out a hill between them and the advancing enemy, he directed them to about face, and at a double-quick to charge the crest of the hill and open fire simultaneously; then to about face and close up the column by double-quick. That was the last infantry volley at Appomattox. Some desultory firing continued. The last cavalry charge was made by Roberts's North Carolina Brigade; and the last artillery fire was by a North Carolina battery. It was now ten o'clock, April 9, and General Lee had earlier surrendered.

There were paroled at Appomattox 462 officers and 4,210 men of the North Carolina organizations.

Information of the surrender reached General Grimes when he was informed of Lee's order for him to withdraw his troops from the front; and he bitterly complained, as the road was open for him to press forward, escape and join Johnston.

The surren-  
der

The cessation of operations, the withdrawal of the troops, the quietude of the moment, the uncertainties of the situation, filled every heart with apprehension. The men were willing to submit to the vicissitudes of the battle—to die on the field with their face to the foe; but the thought of the

surrender of the army had never taken shape among them. They were stricken with consternation.

On reaching his troops, one of the men asked General Grimes if Lee had surrendered. He replied that he feared it was a fact. The man cast away his musket, and holding his hands aloft, cried in an agony: "Blow, Gabriel, blow! My God, let him blow, I am ready to die."

And so it was generally. All were ready for immolation. Lee was adored. His will, his wish, his direction was as the voice of the Deity. But they found it hard to yield their assent. And some did not. Some broke through all traditions and sought to escape from the lamentable catastrophe. Individually, or two or three together, they availed themselves of the confusion and fled. The glorious Army of Northern Virginia was no more. With broken hearts, Lee, his officers and men, bowed their heads to the calamity that had overtaken them. The men

Lee's bearing as depicted by General Grant was worthy of the man and of the cause of which he was the military exponent. He had been great in victory. He now in those agonizing hours of disaster manifested a greatness of soul and a strength of character beyond that portrayed in history by any other of the world's heroes who had suffered misfortune. Lee

It has not often been given to man to attain the exaltation that it was now Grant's fortune to enjoy. A soldier by education, his personal merit had won him promotion and command; and the resources of an empire being at his disposal, he had vanquished the finest army in the world, therefore invincible. The greatest captain of the age was his prisoner. Grant's bearing was of a piece with his manhood and worthy of the occasion. It was honorable to his country. Grant

The hungry Confederates were fed, and, being paroled, were dismissed to seek their homes. To Lee, Grant said that he took it that most of the men in the ranks were small farmers, and would need the horses they were riding to put in a crop to carry their families through the next winter—"I would instruct the officers to let every man of the Confederate army who claimed to own a horse or mule take the animal to his home."



## CHAPTER LVIII

### THE END OF THE CONFEDERACY

Movements of President Davis.—Johnston awaiting Sherman.—News of Lee's surrender.—Johnston confers with President Davis.—Stoneman's columns.—At High Point.—Salisbury sacked.—Stoneman retires.—The President and generals.—The President proposes armistice that civil authorities may end war.—Swain at Raleigh.—Safe conduct to see Sherman.—Sherman's favorable answer.—Vance and the Confederates retire.—Wheeler's cavalry.—Sherman invites Vance to return.—Davis wants his presence.—The generals meet at the Bennett house.—Sherman's proposal accepted subject to ratification.—The armies.—The terms rejected.—Davis and Vance at Charlotte.—Grant ordered to supersede Sherman.—The capitulation.—At Charlotte.

#### **The movements of President Davis**

President Davis was at church April 2, Sunday noon, when General Lee's dispatch was delivered to him, conveying the information that Richmond would be uncovered that night. In anticipation of that event, which had long been imminent, he had sent off his wife and family, whose route carried them to Washington in Georgia. A special train was provided, and he started for Danville, where he hoped General Lee would conduct the army. He was accompanied by the Cabinet, except General Breckinridge, the Secretary of War (who, on horseback, sought General Lee), and by the chiefs of bureaus, having the government's specie and such records and papers as could be saved.

At Danville, on the 5th, President Davis issued a proclamation nerving the people for a prolonged struggle, and then he waited with anxious solicitude for some news of General Lee's army. At length on the 10th he heard of General Lee's surrender and, telegraphing the information to General Johnston, took a train for Greensboro, where General Beauregard was.

During this period General Sherman, on his return from City Point, rested his men at Goldsboro. On the other hand, General Holmes was dispatched by Johnston to arrange with

Lee for subsequent movements. For the moment it was uncertain whether Sherman would march north to join Grant at Petersburg, or westward to Raleigh; and General Johnston, therefore, took a position intermediate between those possible routes. He was now joined by several thousand veterans of the Army of Tennessee under Gen. S. D. Lee, although many of the men were without arms.

When information was received of the evacuation of Petersburg, Johnston expected Lee to unite with his force in North Carolina; and Sherman, with similar information, determined to march on Raleigh. Both expected that the scene of operations would be in Western North Carolina. On the morning of April 10 Sherman moved out and Johnston fell back toward Raleigh, the Federal cavalry pressing on.

April 10

General Johnston, being at Battle Bridge on the Neuse on the night of the 10th, received the President's dispatch announcing Lee's surrender. Keeping the information in confidence, he directed his troops to continue their march to Raleigh, where he arrived on the afternoon of the 11th. There he received a dispatch from President Davis, then at Greensboro, desiring an interview. "As your situation may render best, I will go to your headquarters or you can come here. In the former case our conference must be without the presence of General Beauregard. . . . The important question, first to be solved, is at what point shall concentration be made." General Johnston, complying with the President's desire, took the first train to Greensboro, reaching there at eight o'clock on the morning of the 12th.

Johnston and Beauregard, from their first conference toward the close of February, had been of the same mind. They had seen the coils tightening, the resources of the Confederacy dwindling, and they had no expectation or hope of military success. In honor they were bound to give their best services to their fellow soldiers and to bring about the best terms of peace they could.

The President, in addition to the general outlook of catastrophe that oppressed him, was particularly disturbed at the eruption of columns of Federal cavalry that here and there



were burning the bridges of railroads, alike to the north and south of Greensboro. Such was the situation when the presidential train arrived at Greensboro on the 11th, narrowly escaping capture by a detachment of Stoneman's cavalry. The President at once desired the presence of Beauregard and Johnston for conference.

Stoneman

The condition of the Confederate forces was such that General Grant, in command of strong columns of troops at many points, could move them at pleasure as men on a chess board. In March he directed General Stoneman in East Tennessee, with a heavy body of cavalry to raid the railways in Virginia and North Carolina. On March 20th Stoneman moved on this mission with some six thousand men, expecting to reach Lynchburg. He reached Boone on the 26th of March and, dividing his force, sent a column under General Gilliam to Blowing Rock and Patterson, marching himself to Wilkesboro, where Gilliam rejoined him. Destruction and devastation marked their course, Colonel Kirke, following in their path to Boone, finishing that work. Kirke, with two regiments took position at Blowing Rock, where he sent out marauding parties to harry the people.

Kirke

Leaving Wilkesboro on the 31st of March, Stoneman moved through Surry County into Virginia, destroying the road near Wytheville, and pushed on to within a few miles of Lynchburg. Then turning south, he suddenly appeared in Winston on the 10th of April. From that point detachments raided the railroad, destroying bridges. One of them just missed capturing the special train from Danville bearing the whole Confederate government; for on the morning of the 11th it cut the road twelve miles north of Greensboro, and then on that afternoon, both High Point and Jamestown, south of Greensboro, were raided.

The raids

It was these sudden raids of the Federal cavalry, coming from no one knew where, there being an entire absence of information as to the raiding detachments, that gave a new and most gloomy aspect to the situation and led the President to call for a conference with his generals.

In the meantime various bodies of men formerly with the Tennessee army drifted through from Georgia, increas-

ing Beauregard's force; and now, on the return of Stoneman to the State, Johnston hurried some additional troops to Greensboro. But at Salisbury, where was stored a vast quantity of supplies, brought during the previous weeks from Columbia, Charlotte, Richmond, Danville and Raleigh, there was no adequate force to withstand this unexpected raid by Stoneman, who, marching through Mocksville with his main body, reached Salisbury by daylight of the 12th. Some loaded trains hastily escaped toward Charlotte and Greensboro—but the stiff fight made by the five hundred Confederates there was soon over, and millions of dollars worth of necessary supplies fell into the hands of Stoneman and were destroyed. A strong Federal force was now dispatched to destroy the railroad bridge over the Yadkin, but Pettus's Brigade had been hurried from Greensboro to protect that bridge, and the attack, which began at two in the afternoon and continued until dark, proved unsuccessful, and that important bridge was saved.

Salisbury

April 12

The premises in which the Federal prisoners had been confined at Salisbury were burned along with other buildings; the damage to the town being over half a million dollars. Wherever the Federal detachments went they left a trail as of a noisome pestilence, of heart-burning, and a sense of outrage and barbarous treatment. On the evening of the 13th Stoneman moved off toward Statesville, carrying some seven hundred persons, among them being Colonel Stone, of the Twentieth Mississippi, and Maj. A. C. Avery, who were eventually delivered to Colonel Kirke. Stoneman now again divided his force. One column under General Gilliam moved by Beattie's Ford to Lincolnton, heading for Charlotte, while Stoneman with the other proceeded to Lenoir, where he remained until the 17th. He then dispatched a column under General Palmer through Morganton to Swannanoa Gap. Near Morganton this column was combated by Colonel Walton with the Home Guard and Captain Twitty's Company of Avery's Battalion; but without avail. General Stoneman with the remainder of his command, then proceeded to Tennessee through Watauga County.

Clark, IV,  
375Spencer,  
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**Johnston surrenders—End of the Confederacy**

On reaching Greensboro General Johnston found Beauregard's headquarters were in a "burden-car" and the President and Cabinet were occupying cars of the special train that had brought them from Richmond. An interview was at once held, the President stating his view of the situation and his purpose to prolong the struggle, which did not appear to him to be hopeless. And, indeed, the timely arrival of the cavalry brigades of Duke and Vaughn from Virginia afforded protection from Stoneman's raiders and inspired more confidence in the situation.

Johnston,  
409

General Breckinridge, the Secretary of War, had not arrived, but was, however, expected, and the first interview closed. On Breckinridge's arrival a few hours later, a second conference was held, and, as in his opinion and that of Mr. Mallory and of the two generals, an effort should be made to end the war, President Davis dictated the following communication to General Sherman: "The results of the recent campaign in Virginia have changed the relative military conditions of the belligerents. I am, therefore, induced to address to you, in this form, the inquiry whether to stop the further effusion of blood and the devastation of property, you are willing to make a temporary suspension of active operations, and to communicate to Lieutenant-General Grant, commanding the Army of the United States, the request that he will take like action in regard to other armies; the object being to permit the civil authorities to enter into the needful arrangements to terminate the existing war." And this was signed by General Johnston.

President  
Davis's ac-  
tion to end  
war

**Swain's action**

In the meantime Governor Swain, fearfully impressed with the possible destruction of Raleigh and the University by General Sherman, deemed it proper to make an effort to prevent such devastation. On the 8th of April he wrote to Governor Graham, desiring that they should join in an interview with Governor Vance, saying: "Perhaps he may be disposed not only to hear us, but to invite all his

predecessors—Morehead, Manly, Reid, Bragg and Clark.” Vance firm  
 Vance had been firm that, as for himself, he would take no step that would allow the other states to point the finger of shame at North Carolina. But Mr. Gilmer had suggested to him to solicit an interview with General Sherman on the subject of peace. Governor Graham and Governor Swain now agreed on a program, viz.:

That the General Assembly should be convened; that it should invite the other states to unite with North Carolina in negotiations for peace; that it should appoint commissioners to treat for peace, to report to a convention to be called; that in the event of Sherman’s advance, the Governor should send a commissioner to treat with him for suspension of hostilities. Graham and Swain

Governor Swain spent the next day, Monday, with Governor Vance, who promised to carry out the scheme if General Johnston would assent. Apparently General Johnston assented; and Governor Graham, being sent for, set out for Raleigh. With the sanction of General Hardee, after Johnston’s departure, a communication was written to General Sherman—Governor Bragg, Mr. Bat. Moore and Mr. Rayner agreeing.

On the afternoon of Tuesday, April 11, Governor Graham reached Raleigh. At sunrise on the 12th he attended at the Governor’s Mansion along with Governor Swain; and later in the morning General Hardee, who had been left in command by General Johnston, met these gentlemen at the Capitol and prepared a safe-conduct through his lines for Governor Swain and Governor Graham, who undertook the commission to General Sherman. The commis- sion

At ten o’clock, Governor Graham and Governor Swain, accompanied by Surgeon-General Warren, Colonel Burr and Mayor Devereaux, members of the Governor’s staff, under Hardee’s safe conduct, started on a special train to Sherman’s headquarters, bearing Vance’s communication: “Understanding that your army is advancing on this Capital, I have to request, under proper safe-conduct a personal interview at such time as may be agreeable to you, for the purpose of conferring upon the subject of a suspension of Visits Sherman  
 The com- munication



April 12

hostilities, with a view to further communications with the authority of the United States, touching the final termination of the existing war. If you concur in the proposal of such a proceeding, I should be obliged for an early reply."

Sherman's  
response

General Sherman was then about fourteen miles east of Raleigh. After the train had left Raleigh, General Johnston, having had an interview with President Davis, telegraphed General Hampton, who was in command of the cavalry being the rear guard of Johnston's army in the immediate front of Sherman's advancing cavalry, to stop the commissioners and send them back to Raleigh. Hampton obeyed; but as the train was returning to Raleigh it was captured by General Kilpatrick, who, however, took the commissioners to General Sherman, by whom they were informed of Lee's surrender. The commissioners were detained all day and during the night at Federal headquarters. General Sherman answered Vance's communications satisfactorily, and sent a safe-guard for Governor Vance and any members of the State government that chose to remain in Raleigh as follows: "All officers and soldiers of this army are commanded to respect and protect the Governor of North Carolina and the officers and servants of the State government, the Mayor and civil authorities of Raleigh, provided no hostile act is committed against the officers and men of this army between this and the city."

And General Sherman answered Vance's communication: "I would gladly have enabled you to meet me here, but some interruption occurred to the train by orders of General Johnston. I doubt if hostilities can be suspended as between the armies of the Confederate government and the one I command; but I will aid you all in my power to contribute to the end you aim to reach, the termination of the existing war."

At this interview, it is understood that Governor Swain asked particularly that destruction of property should cease, and General Sherman inquired if the war had ceased; and on being answered, "Yes, the war is over," he quietly responded, "Then the destruction of property must cease." From that moment General Sherman changed his attitude

completely and entirely with regard to harrying the people and devastating the country.

The next morning at seven o'clock the commissioners began their return to Raleigh. In the meantime, while Governor Graham was with General Sherman, the Confederate forces passed through the city, and Governor Vance awaited with great anxiety the return of the commissioners, having no communication from them and ignorant of what had befallen them and of General Sherman's disposition in regard to his proposition. The Governor wrote a letter to General Sherman, saying that the Mayor was authorized to surrender the city; and he asked for the protection of the charitable institutions and public buildings and records. As the last of the Confederate troops were passing through, General Hoke, in command, called at the Capitol and found Governor Vance there awaiting developments. Governor Vance told the General that under the circumstances he proposed to leave the city; and at midnight he mounted his horse, and attended by Capt. James A. Bryan and Capt. James A. Guthrie of the navy, who were acting as aides on his staff, he rode out, reaching General Hoke's encampment near Cary.

Vance leaves  
the city

In the morning Wheeler's cavalry passed from the east of the city toward Chapel Hill. This command had long been in the front of Sherman's devastating forces and had the habit of providing themselves with subsistence from the inhabitants of the country where they were operating. Since Sherman's troops destroyed all property as they came along, these cavalymen likewise helped themselves without regard to property rights. A few of these men were at the head of Fayetteville Street and were taking such things from the stores as they desired, when the Federal cavalry was seen advancing up the street. All but one Walsh, a young Texán, hastily galloped off. Walsh took position in Fayetteville Street and emptied his revolver at the Federals. It was an act of bravado, senseless and unjustifiable. The Federal cavalry made a vigorous pursuit and caught him at the corner of West and Hillsboro streets. He was brought back to the Capitol Square, and by Kilpatrick's order, was im-



mediately hanged in the grove east and north of the square now occupied by the Governor's Mansion. A mere boy—he died bravely.

Sherman at  
Raleigh

On the arrival of the commissioners after their interview with General Sherman, finding that Governor Vance had left the city, Governor Graham essayed to walk to Hillsboro, but because of difficulties returned. Governor Swain had remained at the Capitol and had seen to its protection under the direction of General Sherman, who expressed regret at Governor Vance's departure and wrote Governor Vance a letter inviting his return, and enclosed a safe-conduct for him and any member of the State and city government.

Beauregard,  
393

General Sherman took measures to have his letter delivered to Governor Vance, and it reached the Governor at Hillsboro; but Governor Vance had just then received a dispatch from President Davis, saying that he had expected to visit him at Raleigh, but was prevented, and would be glad to see him at Greensboro if he could come at once. Said he, "We must redouble our efforts to meet the present disaster. Moral influence is wanting, and I am sure you can do much now to revive the spirit and hope of the people."

Vance

This was received at Hillsboro before Sherman's letter, and Vance determined to go on to Greensboro and see President Davis before returning to Raleigh as Sherman suggested. He had, however, to await a train, and when he reached Greensboro he found that President Davis had left for Charlotte.

While burnings and devastation relatively ceased, yet mills and factories were in danger. The powder mill on Crabtree Creek, near Raleigh, was comprised of several buildings: that naturally was doomed. After General Sherman reached Raleigh a sergeant and three men were sent to destroy it. They fired the mill. The men were blown to atoms and the sergeant was blown into a dry well on the hilltop.

General Hardee, on leaving Raleigh, had withdrawn a part of his force by the Hillsboro road and a part by that leading to Chapel Hill. General Johnston, setting out from Greensboro on the 13th, met Hardee's retiring column at

Hillsboro the next morning; but it continued its march to Haw River Bridge that day, and then withdrew towards Greensboro. The Federal cavalry, pushing on rapidly, took posts in the vicinity of Morrisville.

On the 14th, General Johnston's communication to General Sherman was received by the latter at Raleigh, and he replied, signifying his assent to a conference in relation to an armistice. But there was delay in transmitting the reply, General Johnston not receiving it until the 16th. A meeting was arranged to be held at Bennett's house, midway between the pickets, a few miles west of Durham. There General Sherman showed a dispatch he had just received announcing the assassination of President Lincoln. He asserted that there could be no negotiations that would recognize the civil authorities, and offered the same terms that Grant and Lee had agreed on. But General Johnston insisted that his situation was different from Lee's. The conference was then adjourned until next day; and General Johnston telegraphed for General Breckinridge and Mr. Reagan, members of the Cabinet, to come to him. They did so that night. Vance also came with them from Greensboro. When the conference was resumed in the morning, General Sherman, after consideration, wrote his proposal: The status quo to be maintained until forty-eight hours notice; the Confederate Army to be disbanded, the men to be conducted to their several state capitals, where they would deposit their arms and execute an agreement to cease from actual war; the recognition by the Executive of the United States of the several state governments "on their officers and legislatures taking the oaths prescribed by the Constitution; the reëstablishment of the Federal courts; the people to be guaranteed their political rights and the rights of personal property; the executive authorities not to disturb any of the people by reason of the late war, so long as they obey the laws; the war to cease, general amnesty so far as the Executive can command."

Johnston,  
401

The confer-  
ence

The armis-  
tice

Sherman's  
terms

Necessarily, this was subject to ratification by their principals. Governor Vance was not brought into conference; he thereupon desired to return to Raleigh, but General



Breckinridge, the Secretary of War, forbade that step as it indicated a purpose to surrender this State.

The news of  
Lee's sur-  
render

The dividing line established between the armies ran through Tyrel Mount, Chapel Hill, Durham and West Point on the Neuse. The great event, the surrender of Lee, while known to the Federal army and to the Confederate chiefs, was not made public at first; and Johnston's army was not informed of it, as every effort was made to keep the organization intact for future operations, while already there was demoralization observed incident to the apparent hopelessness of the situation. And now men who had escaped from the surrender at Appomattox, and some of those paroled, began to reach North Carolina, bearing news of that disaster. So when Johnston gave orders for his troops to maintain the status quo during the armistice, there at once prevailed apprehension that he was about to surrender, and men began to break ranks to avoid being surrendered.

And now came days of harrowing experience—in the homes of the people, dread and anxiety, and in the camps a fearful apprehension that they were to be surrendered; that they had fought their last fight; that the cause was lost; and, by hundreds, they left the ranks and wandered off away from their columns, forsaking all they had held dear in life.

The terms of the armistice were communicated to the respective governments, and were approved by President Davis on the 24th; but were rejected at Washington. They were not inconsistent with President Lincoln's views as expressed to General Sherman at City Point, on March 27, nor with his action at Richmond on April 3, when he authorized the assembling of the Virginia Legislature.

The terms  
rejected

But, on the President's reaching Washington after he had given that authorization, Secretary Stanton and others had constrained him to yield his purpose, and he being now dead, Stanton would have no other terms than the surrender of the armies and the entire obliteration of all government throughout the territory that had been in arms.

President Davis, having left Greensboro for Charlotte, on reaching Salisbury rode forward to Charlotte on horseback.

Governor Vance, returning from Hillsboro, rode to Greensboro and telegraphed to the President for a conference. He was accompanied by Major W. A. Graham, one of his staff. The conference was held, in which Governor Vance said: "Mr. President, I have come to see what you wish me to do." The President replied in substance, it was the time for every man to stand to his post and do his duty. General Breckinridge, the Cabinet being present, said: "Mr. President, I do not think you have answered the Governor's question." Mr. Davis said: "Well, what would you tell him to do?" General Breckinridge replied: "The end is evidently near, and we should make the best terms we can for his people and for his State." Governor Vance then returned to Greensboro and proposed to return to Raleigh, but was not allowed to pass the line. He, however, sent a letter by Treasurer Worth, but General Schofield refused to allow him to return. Vance remained at Greensboro until Schofield arrived there, occupying Scott's law office.

Vance's  
interview

When Sherman's terms were received at Washington, a Cabinet meeting was called, and there was great consternation. A message was sent out directing the troops not to obey Sherman. Grant was ordered to proceed at once to North Carolina and take charge. General Grant, leaving Washington that night, hastened to Raleigh. He informed General Sherman that his terms had not been agreed to and that he was authorized to offer the same terms given to Lee; and then he hurried back by way of Goldsboro.

General Sherman acted accordingly; gave the forty-eight hours notice for the termination of the armistice, of which President Davis was promptly advised by General Johnston, who added, "We had better disband this small force, to prevent devastation of the country." The immediate reply was, "Can you not bring off the cavalry and all the men you can mount?" Johnston's answer, April 25, was, "We ought to make best terms for our troops and give an escort of our best cavalry to the President, who ought to move without loss of a moment." General Johnston again telegraphed, "I have proposed to General Sherman military negotiations in regard to this army." On the morning of

Beauregard,  
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Capitulation  
April 26

the 26th he met General Sherman at the Bennett house and capitulated.

Johnston's  
final order

General Johnston's final order was: "I earnestly exhort you to observe faithfully the terms of pacification agreed on, and to discharge the obligations of good and peaceful citizens as well as you have performed the duties of thorough soldiers in the field. By such a course you will best secure the comfort of your families and kindred and restore tranquillity to the whole of our country."

Sherman's  
order

Both Grant and Sherman had entertained notions that there would be a deplorable aftermath, an extensive and protracted guerilla warfare; but their final actions were kindly and considerate; and, as far as they could, they sought to lead the paroled prisoners into the paths of peace. By supplemental terms of the convention of April 28, Sherman directed that the private horses and private property of both officers and men were to be retained by them, and the field transportation was to be lent to them for subsequent use in their industrial pursuits, and even the artillery horses might be so used.

1865

On the day following the capitulation he wrote to General Johnston: "I have further instructed General Schofield to facilitate what you and I and all good men desire, the return to their homes of the officers and men composing your army, to let you have ten days rations for twenty-five thousand men. I can hardly estimate how many animals fit for farm purposes will be 'loaned' to the farmers, but enough, I hope, to insure a crop. I can hardly commit myself how far commerce will be free, but I think the cotton in the country, and the crude turpentine will make money with which to procure supplies. General Schofield, in a few days, will be able to arrange all such matters."

### **At Charlotte**

On April 26, at the residence of Maj. William F. Phifer, where Secretary Trenholm was confined by illness, all the members of the Cabinet were in attendance, and the last formal Cabinet meeting was held. Then Mr. George Davis tendered his resignation. The end had come. George Davis,

the Attorney-General, North Carolina's most eminent citizen, parted from the President, with anxious and affectionate solicitude.

In view of possibilities supplies had been stored on the route to Washington, Georgia. The President, with several members of the Cabinet rode off, accompanied by about two thousand cavalry, toward Washington, where his wife and family had earlier preceded him. He was three days on the route.

At Greensboro, some soldiers sought to loot the stores and were only deterred by a volley that killed several. There was great demoralization, but it was mingled with intense grief. At Charlotte, it was even worse, for there the very life of the Confederacy was passing out, its light was being extinguished. When the star of hope faded away, gloom gave place to despair and black night enveloped the very souls of men.

It was the occasion once depicted by George Davis, years before—"when one gazed for the last time upon the sun in the heavens, when thenceforth there was to be no more rising or setting, no morning nor evening, no light nor heat, no effulgent day, but only darkness and night forever." Each somber hour brought nearer and nearer, step by step, the final catastrophe.

The sudden proximity of a division of Federal cavalry, as if it had dropped from the clouds that hung so low and heavily over the scene; the attack of a disorganized regiment on a government storehouse to distribute its contents; the awful news of the assassination of President Lincoln with its attendant horrors; the vile information that the shocking murder was attributed to President Davis and other Confederate leaders; the refusal of General Johnston to prolong the struggle and his surrender of the heroic veterans entrusted to his command; the downfall of the Confederacy, and the dissolution of government; the chaos that ruled amid the calamity and wreck of every hope—these heart-rending events came in quick succession, utterly overwhelming every soul.

At Charlotte



## CHAPTER LIX

### THE WAR ENDS

At the west.—Kirke invades Haywood.—Love drives him back.—Clayton drives back Reilly.—Gilliam agrees to observe armistice, but Martin taken.—Asheville pillaged.—Other encounters.—The last gun.—Losses and reflections.

#### At the west

The Western Department, with headquarters at Asheville, was under the command of Gen. J. G. Martin, while Col. J. P. Palmer was active in the field. The effective force, present for duty about the first of April was something less than two thousand men, but their activity had secured quietude. However, early in March George W. Kirke invaded Haywood County. That bitter partisan had begun his career by piloting Union men over the mountains in the extreme western counties, and he knew all the routes convenient for his operations. On his appearing in Haywood, Col. J. R. Love hastened to meet him and succeeded in driving him back into Tennessee. A month later, Stoneman being expected to return from his raid by way of Asheville, and to join him, Kelly, with his Federal brigade, came up the French Broad and, not being expected, would have occupied Asheville had it not been for the vigilance and vigor of Colonel Clayton of the Sixty-second, who succeeded in driving that column back.

Clark, 759,  
760

When General Gilliam was detached by Stoneman to pass by Morganton to Asheville General Martin hastened Col. J. R. Love's Regiment to hold the Swannanoa Tunnel, and prevent his passage. In this Colonel Love was successful, and on April 17 Gilliam retired; but he later passed through Hickory Nut Gap and gained an open road to Asheville. On the 22d, when General Gilliam was within six miles of that town, General Martin, having received definite information of Lee's surrender and of Johnston's armistice, sent a flag of truce, asking for an interview. On their meeting,

Asheville  
pillaged

these generals agreed to observe the armistice; and Gilliam passed through Asheville, pursuing his route to Tennessee. However, after he had made some distance, a part of his column returned and, disregarding the agreement, took General Martin and other officers prisoners, pillaged the town and committed many depredations. After a few days had passed General Palmer arrived, and he severely reprobated this breach of the agreement made by General Gilliam and released the prisoners. Spencer,  
229

Even after that there were minor encounters between predatory columns of Federals and local companies, and on May 9, near Waynesville, perhaps, the last gun was fired in regular battle, when Colonel Love drove off a Federal party under the command of one of Kirke's men, named Bartlett. Clark, III,  
161

### Losses and reflections

The Federal enlistments throughout the war were 2,778,300; the Confederates numbered, home guard and others, perhaps one-third as many. The losses of the Federals in deaths were 360,002, while possibly 650,000 Federals suffered wounds that disabled them more or less through life. Relatively, the Confederate losses were as great. While at the South the average age was much higher, the average age of the Federal soldiers was, perhaps, less than twenty-one years. We may say nearly a million families at the North suffered by this terrible warfare, while at the South, although the bereavements were fewer, the final result being calamitous, almost every white family was involved in the catastrophe. When we realize that the war itself was unnecessary; that had the action of the five small states that originally seceded—"driven out" as Sumner put it—been considered as Congress appears to have considered it; had the measures of Congress been allowed to operate; had the Northern States been allowed to consider the amendment to the Constitution proposed by Congress on March 2, 1861, to which Mr. Lincoln himself said he had no objection; had the governors not turned Mr. Lincoln from the paths of peace and led him to assume the functions of Congress



and inaugurate a war that Congress alone having the right to do had refrained from doing—the Union might have been restored as Congress proposed without the sacrifice of a single American life, we turn with horror from those counsels that brought such sorrows to the mothers and wives of the Northern people and such woe to the Southern States.

The destruction wrought by a Tamerlane, the havoc by a Napoleon, even the later scourge of the Kaiser, had some patriotic objects in view not otherwise possible of accomplishment, to that extent involving some extraordinary circumstances, but this precipitating an unnecessary war among the American people was so wanton and so unjustifiable that those who instituted it and waged it stand by themselves on the pages of history. The Northern people, as if in recognition of the possible verdict, have sought to emphasize a different matter and have sanctified the memory of President Lincoln, not only as one who preserved the Union but who emancipated the slaves, which he accomplished by such means, whereas that was not the purpose of the war, and the Union could have been restored without bloodshed; and in natural course there would probably have been gradual emancipation without the bloodshed and the enormous expenditure. Still it may be said that Mr. Lincoln probably thought that the war would be but a little affair, as he called for only a ninety-day force and did not even convene Congress in session until the ninety days were about to expire, and even then he thought that except alone in South Carolina half the people of every state were for the Union. But it should not be forgotten—as President Buchanan said, and as Justice Grier of the Supreme Court of the United States, when every member was of the North, in December, 1862, declared—that neither Congress nor the President had any authority under the Constitution to make war on a state, nor that this was honestly proclaimed by the leader in Congress, Thaddeus Stevens, who declared the congressional proceedings were outside of the Constitution.

The incipency of the war was apparently the direct result of the agreement of the Abolition governors to that end. In the absence of any avowed purpose at that period it may be

ascribed to them that they had in view partisan politics—to put their Democratic opponents in their respective states at a disadvantage and to strengthen their own hold on public affairs, as that was the natural and reasonable outcome of a sectional war.

The slaves were valued at about one billion dollars; the debt of the United States at the close of the war was \$2,740,854,750; and more than \$5,300,000,000 has already been paid for pensions because of the Civil War, aggregating a total of more than eight times the value of the slaves, ignoring the devastation of property, and the deaths and more deplorable human woes and sufferings of that horrible period. Surely those who ruthlessly brought these evils to this country erected for themselves an enduring monument.

#### **Relative strength, 1860**

The white population of the eleven states that seceded was, in 1860, 5,567,000. The white population of the states that did not secede was 21,353,000, even omitting Maryland, Kentucky and Tennessee, where the white population was 2,497,000; and from these the Federal government derived much more benefit than the Confederacy. In addition, during the years 1860 to 1865 there arrived in the United States over 630,000 immigrants. The white population of the territory remaining in the Union was about four times that of the Confederacy. In addition the North had the services of a large number of colored men on its military roll and while many of these were teamsters, taking the place of white soldiers, yet ten thousands were in the ranks; and so it eventuated that Mr. Lincoln's view of war in 1863 found its similitude in some Southern negroes trying to kill the Southern whites. The negro contingent was certainly a great aid to the Federal Army. Besides, the North had a treasury, armories, and factories, mines, open ports, with the world for its storehouse. On a determined war the North might well have been confident of the final result. The South raised armies aggregating somewhat more than six hundred thousand men, the North had soldiers—including the Irish



North Caro-  
lina's troops

and German brigades, the Canadians and foreigners who aided in the conquest of the Americans of the South—about four to one. When hostilities began, notwithstanding the disparity, some of the border states were constrained to join their kindred at the South. Whether the contest was hopeless or not it is bootless to inquire. North Carolina espoused the cause of the Southern people for weal or woe. She would have been recreant to every dictate of manhood had she faltered. The occasion may have been regretted, the final outcome certainly was deplored; but the manhood of North Carolina has never regretted her action. She sent to the field all together 125,000 men, a number larger than her voting strength, and being 22,942 more than any other Southern State. One-third of these died: killed on the battlefield, 14,452; died of wounds, 5,151; died of disease, 20,602. Of North Carolinians there were two lieutenant-generals, seven major-generals, and twenty-six brigadiers, and of those nine were killed in battle. Of our major-generals it is well to remember that General Lee recommended to the Cabinet that should he be incapacitated General Hoke should take his place, and it was generally understood in the army that he likewise said that General Pender was the one to take Jackson's place.

The hope

The resources of the North were so enormously in excess of those of the South that a fight to the finish would naturally result in Northern victory; and yet, as no demand was made of the North, there was cause to suppose that, sooner or later, the spirit of Northern aggression might well have been satiated with the losses and sacrifices the continuance of the war necessarily entailed. And had not some capital mistakes been made by the South that might indeed have been the result. As the South had neither desired nor expected war, not only was no preparation made for it, but even after it began, no adequate measures were at once taken by the Confederacy to utilize such resources as it had at hand. North Carolina seems to have led the way in utilizing the cotton and naval stores of the South—repeating her action during the Revolutionary War—whereas wisdom and prudence required such measures to be taken a

The State's  
energy

year earlier by the Confederacy. Had such steps been taken, possibly the local defection that led to the desertion of tens of thousands might have been circumvented; and Lee's army might have endured long enough for the North to have relinquished its purpose. Indeed, it has been said that about May, 1864, the Federal administration was on the point of doing so. But, however that may have been, the Confederate soldiers after their defeat turned their faces to the future. There was no guerilla warfare. General Lee led the way. General Hoke was ploughing in his field near Lincolnton. A former soldier rode by. Observing the ploughman, he stopped: "Ain't that General Hoke?" The general stopped his plough, raised his head and replied: "Yes." "And ain't that the nag you rode in the war?" "Yes." Then throwing up his arms and exclaiming: "God Almighty, God Almighty," he buried his face between his hands in his horse's mane, and rode on without another word.

General Holmes, venerable in age and full of honors, retired at once to his small farm near Fayetteville, and without aid of any kind went to ploughing his field. Said he to a young friend: "I regret the death of your father more than that of any other man. He could have done more than any other man to reconcile our people to the changes that have come." And so it was generally. No longer need North Carolina people turn to the pages of ancient history for examples of manhood that illustrate fortitude and the highest and noblest virtues of our race. But it was indeed a heart-breaking time, amid the wreck—no government, no law, no money. The property of many, especially of orphans, held by fiduciaries, invested in State and Confederate securities, gone, and the widows and orphans with no man to provide. Only paper money had been current, and that was without value. There was no currency. All that was left of the former civilization was the home, the family ties, the hands, the heart of the individual. There were no organized industries, no capital, no work to be done, save ploughing the fields; other than that, the ordinary occupation of civilized man ceased. Provisions were scarce, and in those zones

The resolution

Conditions



where the armies had been the people had none. But dismay soon gave way before resolution. Although treated by the malignant conquerors as their subjects, the Confederates still possessed brave hearts. In time the restrictions imposed by the Federal government on commerce were somewhat mitigated, and intercourse began.

### **The last Confederate**

James Iredell Waddell, a grandson of General Waddell and of General Nash and a descendant of the Moores and Davises, and uniting the best streams of patriotic blood, entered the naval service in 1841. His life was as a spotless mirror, bright, effulgent with honor, adorned with virtue and with high attributes, while his person and noble countenance recalled Shakespeare's lines giving "the world assurance of a man."

On the 19th of October, 1864, Captain Waddell raised the Confederate flag on the *Shenandoah* off Funchal, and, pursuant to orders, sailed for the Arctic Ocean by way of the Pacific. The *Shenandoah* made more havoc on commerce than any other vessel in the history of the world except the *Alabama*, under Captain Semmes. At length on August 2, 1865, in north latitude 16 and west longitude 122, Captain Waddell overhauled a British vessel and learned that the war had ceased in April. He made his way to Liverpool, and on November 6, with the flag of the Confederacy still at the peak, delivered his vessel to the British Government. During thirteen months he had cruised 52,000 miles, and for eight months had not dropped his anchor.

Captain Waddell died at Annapolis in March, 1886.



1



2

1. James Iredell Waddell
2. Isaac Erwin Avery

Dying on the battlefield wrote: "Tell my father I die with my face to the enemy."





## CHAPTER LX

### PRESIDENT JOHNSON'S RECONSTRUCTION

After surrender.—Lee's farewell.—Johnston's order.—Sherman and Grant.—Sherman and Halleck.—Davis at Charlotte.—The twenty-five per cent tax on cotton.—Local conditions.—Disorders at west.—Restrictions on commerce removed.—Magistrates appointed.—Order preserved.—President Johnson's acts.—The meeting at Washington.—He proclaims amnesty.—Appoints Holden Governor.—Worth Treasurer.—The judges.—His reconstruction.—Election of delegates to convention.—The negroes.—Reiger's order.—The convention meets.—The personnel.—“We are going home.”—The State war debt repudiated.—Worth contests with Holden.—Action of convention.—Election in November.—The commission on the freedmen.—The negro convention.—The attitude of the blacks.—Conditions.—George Davis.—Governor Vance.—The newspapers.

When the month of May opened and spring time had come the roads and paths of North Carolina were filled with the heroes of many a battlefield returning to their homes from Appomattox and Greensboro. Many bore copies of Lee's farewell address—“Officers and men can return to their homes and remain there until exchanged. You will take with you the satisfaction that proceeds from the consciousness of duty faithfully performed: and I earnestly pray that a merciful God will extend to you his blessing and protection.” Lee's disbanded troops had not any rations provided for them, nor did those who broke ranks at Greensboro and left before the parole. They had to look to the inhabitants for food, and passed through North Carolina in a state of disorganization. Those surrendered by General Johnston had ten days rations issued to them and, as far as the men could be controlled, they were kept together in their organizations.

The number paroled at Greensboro was 36,971. Including those who broke away without parole, the aggregate army was about fifty thousand. The paroled men preserving their organization, began their march May 3. Two days later they formed into three columns, which separated—

1865

Lee's last order

The Army moves



one going by way of Morganton; the main army by way of Spartanburg; and the remainder by way of Chester. Provisions had been accumulated at various points, as far as Washington, Georgia. The several corps were allowed to retain one-seventh of their arms.

Stanton  
disapproves

There was a general feeling that had Mr. Lincoln been living he would have been kindly and, indeed, General Sherman's attitude may have been in accord with the expressions Mr. Lincoln had used to him at their interview just one month earlier. When Sherman's proposed convention of April 18 was submitted to the Cabinet it was particularly obnoxious to Stanton, since it recognized that the existing governments in the Southern States had some authority, a policy Stanton had effectually antagonized. Stanton therefore gave out that Sherman was a traitor, and Halleck, ever following where the Secretary led, assented. Accordingly many Northern newspapers denounced General Sherman in similar terms. Quite the contrary, General Sherman, in a fine patriotic spirit, had closed his communication to General Johnston as follows: "Now that the war is over I am as willing to risk my person and reputation as heretofore to heal the wounds made by the past war, and I think my feeling is shared by the whole army." And generally the attitude of both the men and officers of the Federal Army was kindly. Sherman at once directed General Howard to conduct the Army of Tennessee to Richmond, passing from Raleigh through Louisburg, and General Slocum to march the Army of Georgia by way of Oxford. General Stoneman was directed to return to East Tennessee, and General Schofield remained with his own corps in the Department of North Carolina, with Kilpatrick's cavalry under his orders.

The Federal  
Army

Off. Records,  
C., 547

Sherman manfully resented the action of Stanton and Halleck. On May 2 he wrote: "Mr. Stanton dare not come into my presence—he is afraid to meet me. I would not let Halleck review my troops at Richmond. I bade him keep to his room as my army passed through Richmond, and he had to stay indoors. I will insult Stanton in like public manner." In the reorganization of civil government,

he said: "I prefer to give votes to rebel whites rather than to the ignorant blacks not yet capable of self-government."

President Davis was entertained at Charlotte by Mr. Bates, the agent of the Southern Express. When the news came of the assassination of President Lincoln Mr. Davis made some observation about it. Information being received as to that, Mr. Bates was arrested and sent to Washington for examination; and General Reiger was directed to investigate and get up the evidence. He reported: "I am satisfied that Davis did not talk of the matter in public, and that what he said was to his own immediate party, or particular partisans." This ended that investigation. Mr. Bates returned home.

About May 2 Governor Vance left Greensboro and joined his family at Statesville. Two weeks later he was arrested, but treated with every courtesy, but for a time he was incarcerated in the old Capital prison. One of the charges against him was great cruelty to the Federal prisoners at Salisbury, but soon the authorities found out that that charge was entirely without foundation, and after a while he was released.

Off. Records,  
C., 572

On May 29 General Grant gave every encouragement for getting cotton and other products to market. "Let there be no seizure of private property or searching to look after Confederate cotton." Schofield replied, "Under the Treasury restrictions, only one man in North Carolina is authorized to buy cotton, and he does not pay money for it." The government had laid a direct tax of 25 per cent on cotton. On the 30th, Grant replied: "All restrictions are removed, but on cotton being shipped, the 25 per cent tax must be paid." This direct tax was thought to be without warrant of the Constitution, but at that period the Constitution was not regarded where the Southern States were concerned.

### **Throughout the land**

In those days of sorrow, dismay, humiliation and anxiety there was nothing certain but that the Confederacy had passed away and the end of the war had come and all of the resolution, fortitude, sacrifices, and griefs had been in vain.



Many thousands had lost their lives during the long and arduous struggle, and every household mourned father or son, and many helpless families had been bereft of their only support; the slaves were free; the loss of property was great; but that weighed but little in the general depression. The emergency was the pressing necessity of procuring food immediately for the family. Horrible was the specter at the door. The government had fallen; there was now no sanction for civil authority. Happily, among North Carolinians there was still reverence for order, such as the people had been accustomed to from childhood, the usages of the past being a part of their lives; and generally order was preserved. But in some communities disorder prevailed. This was more noticeable at the west than in the east. In Ashe deserters from both armies began committing depredations, and an appeal was made to the Federal officer at Salisbury for protection. A Federal captain came and organized a home guard in each hamlet, but it was only after an encounter that order was restored. In May, says Maj. A. C. Avery, the whole mountain and Piedmont country was infested with robbers, claiming to have been enlisted in the Federal Army, and it became absolutely necessary for the boldest among the returned Confederates to organize against them. In the Wilkes County region a regular campaign was organized in which a considerable force was engaged against a desperate band that had terrorized that region. At length the robbers were arrested, and Capt. R. M. Clarke, at the head of several hundred men, succeeded in capturing their stronghold, "Fort Hambry," and executing those who fell into his hands; but only after he had lost several brave young men—Clarke, Henly, Lumney and Brown.

Disorders at  
the west

Arthur,  
W. N. C.,  
626

Clark, IV,  
377

Ibid., V,  
294

Ibid., I, 65

At Governor Vance's residence a regiment of cavalry, among them the companies of Captains Hayes and Ward, was stationed in that section to preserve order.

In the Robeson County section a gang composed of men of Indian descent and of mulattoes, known as the Henry Berry Lowry outlaws, that began depredations during the

war, continued their operations so vigorously as to drive the whites from their vicinity. 1865

### Schofield in command

Immediately on Johnston's surrender, General Schofield announced the cessation of hostilities in North Carolina, and then, on April 29, President Johnson, to encourage a return to peaceful pursuits, removed all restrictions on commerce except those imposed by Congress and the Treasury Department, and, also, excepting arms and ammunition, gray cloth and supplies for railroads and telegraph.

President  
Johnson

There being no civil authority, General Schofield at once began to organize a police force for each county. To this end, each county was visited by a Federal officer who convened all the magistrates, county officers and militia officers, and, after selecting a dozen of the best men among the magistrates to serve and administer oaths, formed companies of police for the county, the men electing their own officers. General Reiger, whose district comprised Mecklenburg, however, reported that he did not think he could find a dozen of the magistrates in any of these counties who were Union men.

Magistrates

Off. Records.  
C., 549

General Hawley reported as to Bladen: "Not an unkind or uncivil word was uttered during the day. All the county officers, militia officers, and local dignitaries were present. I paroled a colonel, a lieutenant-colonel and several captains. All of the Confederate soldiers were at their work." Such in general was the reports of the proceedings in every county. Garrisons were stationed at the more important centers, and a return to citizenship was evidenced only by taking the oath of allegiance; and no one could do any trading or even travel about, or get married, without having taken that oath. Every effort was made to promote security of persons and property.

Ibid., 643

Citizenship

Nor was General Schofield indifferent to such depredations as his soldiers committed. Wherever there were excesses, he sought to restrain them with a strong hand. Some in the vicinity of Raleigh were quickly punished, and wherever they occurred he dispatched cavalry to suppress them.



Official  
Records,  
C., 512

At Company Shops (now Burlington) two companies of the Tenth Ohio unearthed a deposit of \$60,000 in gold, and they paid a captain \$2,000 as a bribe to conceal the circumstance. But it came to light; and by order of General Schofield, nearly all of it was recovered.

### Reconstruction

President Lincoln had claimed the right to appoint military governors in the Southern States, as occupied. Thus Governor Stanly had been appointed for North Carolina; but he had resigned. In Virginia Governor Pierpont had been appointed; and on the cessation of hostilities he continued in that position.

Grant's ad-  
vice

Test: July  
18, 1867

The Presi-  
dent

Off. Records,  
C., 489

Holden

The meeting

Biog. Hist.  
N. C., 280

Holden  
Provisional  
Governor

President Johnson retained President Lincoln's Cabinet and adhered to his policy. General Grant felt that a very fine feeling was manifested at the South and that advantage ought to be taken of it as soon as possible. He was familiar with Mr. Lincoln's plans and purposes, and urged President Johnson to speedy action. The President, therefore, proposed to appoint a provisional governor for North Carolina.

While the Federal officers were busy establishing order, W. W. Holden, on May 13, informed the President that "a large majority of the people are delighted at immediate emancipation, are ready for civil government." He and some of his friends were going on to Washington. Not in accord with Holden, and not invited by the President, Governor Swain, B. F. Moore and William Eaton proposed to go, likewise. Colonel Wheeler secured them an interview on May 22d. The President explained his plan of reconstruction and submitted to them a draft of his proposed amnesty proclamation, as well as one for the appointment of a provisional governor of the State. Mr. Moore took decided ground against some of the exceptions made in the amnesty proclamation, and he denied the right of the President to appoint a governor. But that policy, being fixed, was adhered to. The next day there was a second interview, attended also by W. W. Holden, R. P. Dick, Willie Jones, W. R. Richardson, J. H. P. Russ, W. S. Mason, Rev. Thomas Skinner and Dr. R. J. Powell. The President in-

formed them of his purpose to appoint a provisional governor, and that he would appoint whoever they would suggest. Mr. Moore, Governor Swain and Mr. Eaton retired; the others recommended W. W. Holden, and he was appointed. A week later the President published his amnesty proclamation, granting pardon, but excepting fourteen classes, some of them being persons the value of whose taxable property was over \$20,000; those above the rank of colonel in the army; those who had been educated at West Point or Annapolis; and those who left seats in Congress to serve the Confederacy.

Amnesty

The proclamation appointing the governor recited that "the rebellion had deprived the people of the State of all civil government, and to enable the loyal people of the State to organize a State government, W. W. Holden is appointed Provisional Governor, whose duty shall be to prescribe rules for convening a convention, composed of delegates chosen only by loyal citizens, for the purpose of altering or amending the Constitution, and to restore the State to its constitutional relations to the Federal government." It further provided that only those who were qualified under suffrage laws in force in 1860 and had taken the oath of amnesty should be entitled either to vote or to be a delegate. There were some whites who could not vote.

The voters

In the Union

The people generally did not feel particularly concerned in these proceedings, except so far as they should bring about a return to normal conditions. This the President proceeded to provide for. The postal laws were directed to be given effect and postoffices opened; the United States courts were directed to be held; all United States laws were to be observed. The President appointed officers for the United States District Court, R. P. Dick being nominated for judge. But in 1862 Congress had prescribed an oath of office, called the "ironclad oath," one of its provisions being that the person had never given counsel or encouragement to persons engaged in armed hostilities; and that he had never yielded voluntary support to any pretended government: and Mr. Dick could not take that oath; so, later, George W. Brooks was appointed.

U. S. Courts

Brooks,  
Judge



Governor Holden had now attained the position he had long desired: he was at the head of the State. Assuming his duties on June 5, he addressed himself to his interesting and important work of reëstablishing civil government. A week later he appointed Mr. Worth Treasurer of the State, charging him with the immediate duty of collecting in the cotton, rosin and other property of the State. With a vast quantity of business pressing on him, in seven weeks he had appointed mayors and commissioners for forty towns, and magistrates for eighty-five counties, and all of those counties had been organized by the election of sheriffs, clerks and other officers. He appointed the old members of the Supreme Court to their former positions, and George W. Brooks, E. J. Warren, D. G. Fowle, R. G. Gilliam, R. P. Buxton, A. Mitchell, R. P. Dick and E. G. Reade Superior Court judges, and also a solicitor for each district. He appointed State directors for all railroads and banks and the State institutions; and he busied himself in securing pardons for many who were in the excepted classes.

In the main Holden's appointments were good. No secession Democrat was appointed to any office, except Judge Manly; but perhaps none expected or desired to be. To allow time for the people to take the oath required for citizenship, it was not until early in August that he ordered the election of delegates to the Convention. His view, like that of B. F. Moore, was that the Constitution and laws in force in 1860 were to be observed. So he declared that suffrage should be on the basis of 1860, except the poll tax; and paroled soldiers, not within the exceptions of the amnesty proclamation, could vote—if they had taken the prescribed oath. The election was to be held September 21, and the Convention was to meet October 2. In his proclamation the Governor allowed himself to air his former grievances. He unnecessarily brought before the public his differences with the Confederate administration. Generally considered an astute man, and often deemed a wily politician, he frequently during his career had the misfortune of doing the wrong thing at an inopportune time. In his proclamation he said: "You have just been delivered

Worth,  
Treasurer

Standard,  
July 28

State judges

Convention  
called

Sept. 21

Holden's  
views

by the armies of the Union from one of the most corrupt and vigorous despotisms that ever existed in the world"; and he injected into the document one of the most vituperative stump speeches ever dinned into the ears of an unwilling people. "The unity of government, which constitutes us one people, should be more dear to us than ever on account of the sufferings through which we have passed."

But there was no word of sympathy for the people because of the suffering through which they were then heroically passing.

### Negroes—their new life

The negroes behaved admirably during the war—there was no crime, lawlessness or insubordination among them. Some were lured off from the plantations; but the plantations had been their homes, and generally on the whole they were faithful and true to their masters, and did not leave them. This was especially so with the domestic servants, both in the country and in the towns. Even after Federal occupation, Mrs. Spencer wrote: "In general the tide of domestic life flowed on smoothly as ever. In fact, I am sure, they felt for their masters, and secretly sympathized with them in their ruin. They knew that they were absolutely penniless and conquered. Though they were glad to be free, there was no trace of malignity. So the bread was baked in those latter days, the clothes were washed and ironed, and the baby was nursed as zealously as ever, though both parties understood that the service was voluntary."

Mrs. Spencer, 187

On taking command in North Carolina, on the 28th of April, General Schofield announced that all the slaves were free, but he advised them to remain with their masters; and a fortnight later he published regulations for their government. The common law governing domestic relations were declared in force. Families were recognized; marriage was provided for. They were advised not to move about; their wages were to be arranged by agreement. District commanders were directed to appoint superintendents to take charge of their matters, and to send back to their homes all negroes who had left them. The aged and infirm were

Off. Records, C., 503



to be cared for by their former masters. In March Congress had passed an act establishing in the War Department a Freedmen's Bureau, having control of all matters relating to freedmen. Gen. O. O. Howard was later appointed at the head of this bureau, and on June 2 it took control of the subject.

Thousands of negroes during the war had congregated at New Bern; and many of them were located across the Trent opposite the town, where they formed a negro settlement. Some eight thousand had accompanied Sherman from South Carolina and, on reaching Fayetteville, he had the caravan marched under guard to Wilmington, where others had congregated. They were eventually located some miles below the town on the Brunswick side; and during the summer the spotted fever broke out among them, and carried off perhaps five thousand victims.

Off. Records,  
C., 550

Negro schools had already been opened, and in the Wilmington District, by the middle of May there were fifteen hundred negro children in attendance. But at every center rations were being issued by the army to negroes who applied for them. At Raleigh, as well as at New Bern and Wilmington, there were many. There was some moving about among them, as if in assertion of their personal freedom; but on the whole their conduct was a testimonial of the kindly relations that existed between the negro and the white man, the slave and the family of the master.

Sept. 21

### **Convention of 1865**

The election for delegates to the Convention took place without much popular interest attaching to it. There were only a few citizens who were opposed, in 1861, to the State's leaving the Union; but the war having brought suffering and disaster, there were now many who were embittered against the Secessionists. They did not avow any love for the Union; they only hated the Secessionists. At the election the former Democrats for the most part stood aside. Of the delegates elected only some ten had been Secession Democrats. When the Convention met October 2, some eight or ten claimed that they had stubbornly refused to

Oct. 2

acknowledge any allegiance to the Confederate government; and the majority had never been heartily in favor of Southern independence. "Delegates talk of the Whig party and of the Democratic party even during grave and serious debates on the most important questions. It is the Democratic party," one class affirms, 'that made secession a possible thing, and brought the State to the verge of ruin.' 'It is the Whig party,' the other class retorts, 'that was half disloyal to the State and caused disaster by its supineness and coldness on behalf of the war.'" While the Convention was chosen by the white men of the State, and most of the delegates were fairly representative of the Whig party, yet there was a class of them very bitter against the Secession Democrats.

Andrews,  
136

The dominant feeling

William A. Wright, one of the most eminent Whigs of the old regime, came across the hall and, offering his hand to Judge Howard, said: "Howard, do you know what sort of people we have here? Why there are forty who would throw you out of that window. Do you see that elderly gentleman with the full beard in the seat next to my seat? That's McLaughlin of Iredell. When I took my seat I pleasantly commenced conversation, and finding that he represented Iredell, I asked about Governor Vance's health. Immediately he seemed to draw himself in, and very curtly replied, 'I know nothing about Governor Vance.' I said, 'Have you not been in Statesville or heard from him lately?' 'Yes,' said he, 'I have a son in Statesville; but I tell you I know nothing of Governor Vance since he sold out to the South.'"

Some men of the first consequence were members. B. F. Moore, Giles Mebane, R. S. Donnell, D. H. Ferebee, R. P. Buxton, C. C. Clark, M. E. Manly, Bedford Brown, D. M. Furches, P. H. Winston, W. A. Wright, S. F. Phillips, Alfred Dockery, Thomas Settle, A. A. McKoy, William Eaton, Thomas J. Jarvis, George Howard, and at least a dozen others almost equal in weight and influence. E. G. Reade was chosen to preside. He had served by General Vance's appointment in the Confederate Senate. He said: "Fellow citizens, we are going home." Governor Holden,

Reade pre-  
sides

Convention  
documents



The war  
debt

in his message, quoted this, "We are going home," and said, "The State entered the rebellion a slaveholding State, and emerged from it a non-slaveholding State. In other respects, as far as her existence as a State and her rights as a state are concerned, she has undergone no change." The action of the Convention was what might have been expected under the circumstances.

Worth, I,  
394

There was, however, one embarrassing proposition, that had been earlier discussed. The repudiation of all the indebtedness of the State incurred directly or indirectly, in aid of the war. The debt incurred by the State was largely due to her own citizens. The banks and all the State institutions having funds to invest were interested. Trustees and fiduciaries were involved. There was decided opposition to the measure. Treasurer Worth had been violently opposed to it. He did not think it came within the sphere of the Convention's functions. On August 18, he wrote that it was understood that the President and Cabinet were unwilling for any debt contracted during the war to be paid; but he thought that the debt ought to be scaled, and that the subject was not involved in the restoration of the Union. A month later he pointed out that the *Standard*, Governor Holden's paper, stood with him, and "if you repudiate the whole war debt you break every bank in the State, you destroy the University and common schools, you beggar nearly a thousand widows and orphans, and you blot out of our constellation its bright star—honesty. You encourage dishonesty by the State's example." Opinion was divided.

Ibid., 420

Ibid., 394,  
420

Repeal of  
secession

The first step of the Convention, necessarily, was backward from 1861. Mr. Moore brought forward an ordinance declaring that the secession ordinance was and ever hath been a nullity. To this there was some demur. Some thought that a mere repeal would answer. But the majority stood out for declaring it a nullity—the vote standing 94 to 19.

House Jour-  
nal, 22

Ibid., 28

This was followed by an ordinance abolishing slavery, adopted by a vote of 109, and none to the contrary.

There was an amendment proposed that "the institution of slavery having been destroyed in the State by the Secessionists," etc., but it was withdrawn. At any rate there

was no declaration of being in love with "abolition"; although there was doubtless in the hearts and minds of some a satisfaction in declaring the action of the Convention in 1861 a nullity, although voted for by Holden, Badger and Graham, and receiving the approval of virtually the entire State.

Such was the aftermath of Appomattox—and to many it would have been still more difficult. Fortunately, there were those equal to the performance.

The Governor naturally looked forward to an election by the voters, and he expected to be retained in his office by their suffrage. In many counties meetings were held declaring adherence to the Union, and these, as well as the meetings of the magistrates to elect county officers, were occasions that strengthened the Governor in his arrangements to be elected by the people. But Worth realized that the mass of the people were not friendly toward Holden, and proposed himself to stand for the office of Governor. On October 18 Worth announced himself. Governor Holden threw himself on the other side of the repudiation proposition and obtained from the President a telegram requiring repudiation. This was decisive with the members of the Convention. The President's demand was heeded and Worth was overborne, and the incident gave Holden the opportunity to assert that while he stood with the President, Worth did not. But Worth did not quail. He wrote: "I am certain Mr. Holden cannot be elected by a very large number of votes, and I have no reason to believe that the President desires Mr. Holden's election as Civil Governor. Although fifty-three members of the Convention signed an invitation to Governor Holden to be a candidate, as every member was approached the inference is that sixty-seven refused." Worth, therefore, announced himself and tendered his resignation as Treasurer. Associated in their work of antagonizing the Confederate authorities during the war, they had separated at the election of 1864, and now, a year later, were rivals. Worth's announcement was answered by the *Standard*: "The issue, 'Holden and go back' and 'Worth and stay out' of the Union." Then the Governor

Holden and  
Worth con-  
test

Oct. 18

Worth, I,  
432



accepted Worth's resignation and appointed Dr. William Sloan of Anson Treasurer.

Nov. 10

The Convention passed an ordinance providing for an election on the second Monday in November, at which members of the Legislature, a Governor, sheriff and county superior court clerks and seven Congressmen should be chosen; the voters were to have the qualifications as at the recent election and no one could be chosen Governor who had not been pardoned.

Election

The term

Under the ordinance the new Governor was to succeed the Provisional Governor and to hold until January 1, 1867. Among the other ordinances passed was one providing a temporary force to preserve order, and one declaring vacant all offices in the State; also among the resolutions was one requesting the President to remove all colored troops from the State, and another requesting him to proclaim that the people of the State are restored to their rights and privileges secured under the Constitution.

The freed-  
men

Journal of  
Convention

By another resolution Governor Holden was directed to appoint a commission of three persons to report a system of laws relative to the freedmen. Having taken steps to establish government throughout this State, the Convention adjourned to meet again in May. On retiring, Judge Reade said: "There remains nothing to be done except the withdrawal of the military power." Referring to the freedmen, he said: "The reluctance, which for a while was felt to the sudden and radical change in our domestic relations—a reluctance which was made oppressive to us by our kind feelings for the slave and by apprehensions of the evils which were to follow him—has yielded to the determination to be to him, as we always have been, his best friend; to advise, protect, to educate and elevate him, to seek his confidence and give him ours."

The Anti-Secession ordinance and the Anti-Slavery ordinance were to be submitted to the popular vote for ratification.

The negro convention

At the time the Convention was in session a negro convention was being held at Raleigh. There was a meeting of negroes at Wilmington about the end of August, at which a committee was appointed who called for meetings in each district to choose delegates for a convention at Raleigh. On the 29th of September this convention adopted an address to the Constitutional Convention, whose tenor was as follows: "Born upon the same soil and brought up in an intimacy of relationship unknown to any other state of society, we have formed attachments for the white race which must be as enduring as life, and we can conceive of no reason that our God-bestowed freedom should now sever the kindly ties which have so long united us."

"Though associated with many memories of suffering as well as of enjoyment, we have always loved our homes and dreaded, as the worst of evils, a forcible separation from them. Now that freedom and a new career are before us, we love this land and people more than ever before."

The negro feeling

"Perhaps a dozen of the delegates were not natives of this State; but with few exceptions, those who took part in the debates or were in any way responsible for the action of the convention, were not only North Carolinians by birth, but slaves by growth—men who have always lived and expect to continue living in the State. It is also worth remarking that it was really a convention of colored men, not a colored man's convention engineered by white men. It was even so strictly a convention of the negroes of North Carolina that (said one of the committee to me) 'We meant it for a convention of our own people and those outsiders from Wilmington and New Bern shall not control us.' . . .

Its personnel

New South Andrews, 131

"Scarcely a quarter of these delegates can read and write. They are dressed in the very cheapest of homespun, are awed by the very atmosphere of a city, speak a language that no Northern white man can understand. They came up 'in the spirit of our God'; they have not forgotten God in all their labors; who shall doubt that He will bless this wish of theirs?"

Ibid



### Effects of the institution

Such was the first note of the African slave in North Carolina. When one considers the history of the African race—its general condition wherever else situated and located—the picture presented by these sentences portrays a scene that has no similitude, and it would seem that African slavery at the South had exerted a benign influence to which the negro race elsewhere were ever strangers. But while the sentiments thus expressed were largely those of the negro heart, yet the language in which they were clothed would indicate a culture far above the level of the race.

Negroes in  
servitude

Before America was discovered Portugal, Spain and Italy were introducing African slaves; later, western Europe used them in their American colonies; and New England led in establishing slavery in the British colonies. At the South, the Africans found their most congenial home, and there the race had, by 1865, multiplied and had been elevated far beyond what had been their fortune elsewhere.

This account of the end of slavery in North Carolina by Sidney Andrews, the Northern correspondent of the *Boston Advertiser* and *Chicago Tribune*, indicates that in North Carolina the institution that had come down through the generations, was not without its benefits and advantages to all concerned. Now that chapter of history was closed. But, in taking a survey of it, it would appear to have been beneficent in its effects and to have been of more advantage to the negroes themselves than to the white people of the South. A view of the same negroes in Africa suffices.

So far had the negroes become enlightened and influenced that emancipation was not attended by any great disorders. If freedom was a joy it brought with it no remarkable excesses. The training of obedience and the habitual practice of good conduct, now in the hour of personal liberty, had a beneficial influence among them.

There were, however, several thousand negro soldiers in the State and these fomented trouble. Toward the end of

the year after many had been disbanded, they scattered throughout the negro counties and became turbulent. The general in command, finding the influence of the negro companies bad, caused them all to be located in the forts, and separated them from the inhabitants.

1865

### Conditions

Commerce being opened, a few men quickly came from the North to engage in business. Naval stores were in great demand. Tar, pitch, turpentine and rosin commanded very high prices; also staves and lumber. Such cotton as had been saved sold at fabulous prices. So it was not long before some money began to flow in the marts of trade. The banks had naturally suspended. Their affairs were entirely disorganized. With the railway lines it was different. While their iron had been worn out and their rolling stock was utterly insufficient, their condition was being improved. The line from Charlotte was open to Petersburg through Raleigh, the other lines being in running order. In the meantime the farmers had been busy and nature had responded most kindly; so that S. L. Fremont, the superintendent of the Wilmington and Weldon, reported that the crops had never been better, and that when the road opened in the fall he "expected the usual business; and by October connections will have been made to New York and New Orleans."

Crops

During this period the people of North Carolina, like those all through the Southern country, were full of sympathy for the public men who had been arrested by the Federal authorities. President Davis was confined at Fortress Monroe. George Davis had, on the coast of Florida, surrendered himself and had been imprisoned, but was released on his parole to the limits of North Carolina. Governor Vance, likewise, had been arrested on May 14, and was confined in the Old Capitol prison until July 5, when he was admitted to parole to remain at his home, and then in December was paroled to the limits of the State.

The public men



The news-  
papers

The publication of newspapers had been resumed. At Raleigh there were the *Standard*, the *Progress* and the *Sentinel*; at Wilmington the *Herald*, the *Dispatch*, and the *Journal*; at Charlotte, the *Democrat* and the *Bulletin*; the *Press* at Salem, the *Banner* at Salisbury (but the *Banner* was silenced by order of General Reiger); at Plymouth the *Flag*; at New Bern the *Times*; at Fayetteville the *News*; at Milton the *Chronicle*, and at Statesville the *American*.

But the mails were irregular and insufficient.

## CHAPTER LXI

### BACK IN THE UNION

The election of Governor and Assembly.—Worth elected.—The Assembly meets.—Senators chosen.—State reëstablished.—Holden dissatisfied.—The special session.—Worth's message.—The freedmen.—Congress not content.—Senators and Representatives not admitted.—The President differs with Congress.—Conditions in the State.—The action of Bishop Atkinson.—The quiet unbroken.

#### The election of 1865

Not three weeks intervened after the adjournment of the Convention when the election was held. There was no time for a canvass or campaign. The words of Judge Reade and Governor Holden, "We are going home," raised in many breasts unpleasant sensations, especially in connection with the Governor's fierce denunciation of the Confederacy and the proposed amendments to the State Constitution, abolishing slavery and pronouncing the Ordinance of May 20th a nullity. The response was perhaps different from that hoped for. Holden's friends laid stress on his claim that he was in line with the President, who naturally desired his appointment to be ratified by the people: and, at the extreme west, this had some effect. In Wilkes, Wake, Johnston, Chatham, Surry, Stokes and Rutherford, Governor Holden had many friends; but generally the people were strongly against him. The vote was 57,347, being fifteen thousand less than the year before: and although Holden increased his vote by eleven thousand, he fell short of election by six thousand, Worth receiving 31,643, Holden 25,704. This was a crushing blow to him, the greater as he had organized all the counties with friends and had made appointments to so many offices, and had secured pardons for a thousand or more applicants. He could only ascribe it to the ill will of the Secessionists; and, doubtless, he was right, for he had been at pains to keep them from supporting him. But, if he fared badly, the ordinances fared worse. He had advised

Nov., 1865

The vote



the President that a majority of the people were delighted at immediate emancipation, while that amendment received the sanction of only 18,527 out of 57,000. So likewise those who were clamorous against the Secession ordinance of May 20th found cause for but little comfort in the vote declaring it a nullity—only 19,977; whereas had the proposition been to repeal the Ordinance of 1861 and to return to the Union, the vote would probably have been unanimous. With all the pressure of the unhappy circumstances of the times upon them, not twenty thousand votes in the State gave the desired response to the sentiment, "We are going home." Holden was very much disappointed at the result. He had sought to associate himself with the President, to have a vote for him considered one to sustain the President. At once, he declared that Worth owed his election to the Secession element, and he sought to persuade the President not to recognize the election.

### The Legislature

Nov., 1865

The General Assembly met November 27. In the House S. F. Phillips was the Speaker without objection; but in the Senate there was a division. Thomas Little, who had supported Holden, received 22 votes. D. H. Ferebee, an old-time Whig, opposed to Holden, received 21, and Ferebee voted for J. D. Whitford. For two days there was no election; five members had not reported, and Governor Graham would not take his seat because he had not received his pardon. Finally, Donaho, from Surry, withheld his vote; and Little was elected. The ballot for clerk resulted in the election of Major J. A. Engelhard, and that on Public Printer showed that the Senate was against Holden. On November 30, both houses being organized, Governor Holden communicated his message, excusing himself because of illness from making any extended recommendations. Governor Holden submitted the Thirteenth Amendment, forbidding slavery to exist within the United States, for ratification; and it passed without a roll call. On the ratification of this amendment by South Carolina, Alabama, North Carolina and Georgia, the requisite number of states

Holden's  
message

(27) having so voted, its ratification was announced on December 18, as a part of the Constitution. It was by the votes of these states, at that time, that it was made effective. For the purpose of amending the Federal Constitution, the State was counted by the administration as being in the Union.

The Legislature, having canvassed the vote for Governor, Governor Worth was sworn in on the 15th of December, to succeed Governor Holden when he should cease to be Provisional Governor. It likewise elected Senators—Governor Graham, without opposition, and John Pool, who received 93 votes over Thomas S. Ashe, 60. For Treasurer, Kemp P. Battle was elected over Dr. Sloan, Holden's appointee, by 89 votes to 66. For the Supreme Court, Pearson and Battle were retained, while Judge Reade was elected over Judge Manly by 22 majority. There were some changes made in the Superior Court judges, among them Judge Barnes replacing Brooks, now a Federal judge, and W. M. Shipp and A. S. Merrimon being elected. The Legislature likewise elected all the State officers; and, then, on December 18, adjourned to the first Monday in February.

Governor Holden could not brook his defeat at the hands of Worth, and insisted that Worth had allied himself with the Secessionists and should not be allowed to be Governor. However, the President was not of that mind, and on December 23 he notified Governor Holden to turn over the office; and so on December 28, he handed over the great seal to Governor Worth. The provisional government had ended. The State was now under its constituted authorities, elected by the people, and acting under the Constitution adopted in 1776.

Two days later, Governor Worth published an address, congratulating the people on the restoration of civil government, "This announcement diffused joy throughout the State. We are now under laws of our own enactment. We did not go voluntarily into the late calamitous rebellion. We elected to go with our section. We acted with good faith to our associates and bore ourselves gallantly in the fight. Being vanquished, we submit as becomes a brave people."

Worth, Governor

Dec. 15

Senators elected

The judges

Judge Brooks

State officers elected

The State organized

The State



Jan. 18,  
1866

Social equal-  
ity

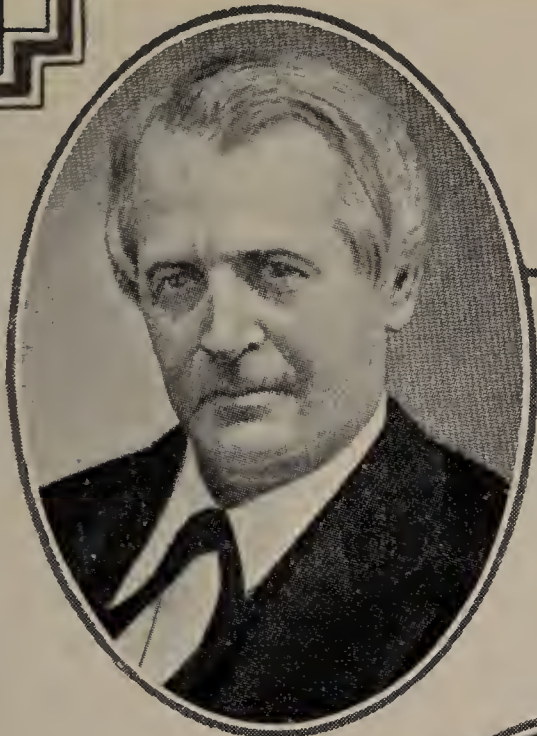
Worth's  
views

The attitude  
of the people

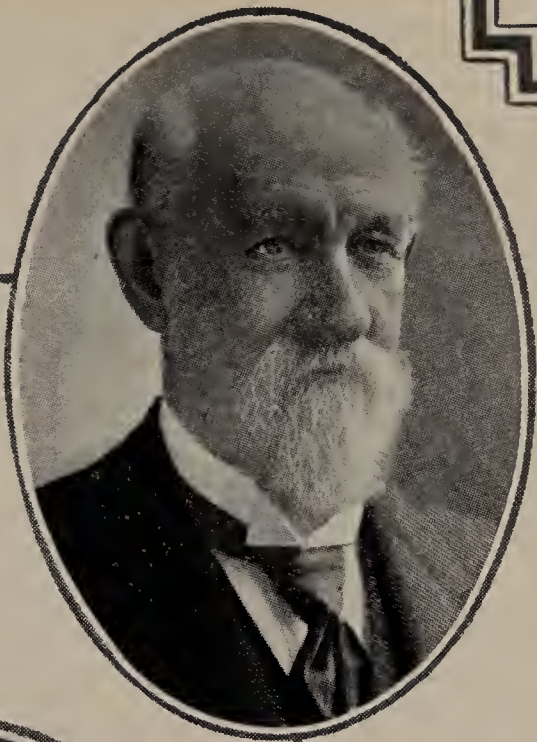
But as with the cessation of the provisional government all the officers appointed by Governor Holden under the ordinance of the Convention likewise ceased to have authority, Governor Worth, therefore, called for a special session of the Assembly, which convened January 18. He communicated to it an interesting message on State affairs. While the banks had on hand \$800,000 in specie, the situation was such that they had suspended business. He called attention to the workings of the Freedmen's Bureau, a military tribunal claiming and exercising jurisdiction over all white citizens in matters criminal and civil where blacks were concerned. Already there was talk of social equality and the elective franchise for negroes, and, as early as June, Secretary Chase had passed through the South broaching those subjects: but those things, said Governor Worth, were not to be expected. Referring to the jealousy, hatred and distrust engendered by the struggle and now evident in Congress, he said: "It concerns the Republic that there should be an end of strife. Confidence must begin somewhere." He mentioned: "The liberation of the slaves, annihilating two thousand millions of property, and impoverishing thousands upon thousands of families; yet not this extraordinary spoliation nor the indiscriminate devastation of homes and plantations, entailing ruin upon millions of inhabitants, had produced the slightest show of opposition to the authority of the government. . . . The laws of the United States are enforced and obeyed everywhere. Distrust should yield to confidence, aversion to a spirit of harmony, if not cordiality." Such was the spirit of the Governor, and his words fell on sympathetic ears. The people of North Carolina having accepted defeat, bravely and resolutely set their faces toward the future. The Assembly dealt with all the various questions that arose for their action with good judgment, and provided for the orderly administration of affairs within the State.

Under a resolution of the Convention, Governor Holden had appointed as commissioners to prepare legislation concerning the freedmen, B. F. Moore, W. S. Mason and R. S. Donnell. Like most of his other appointments, generally,

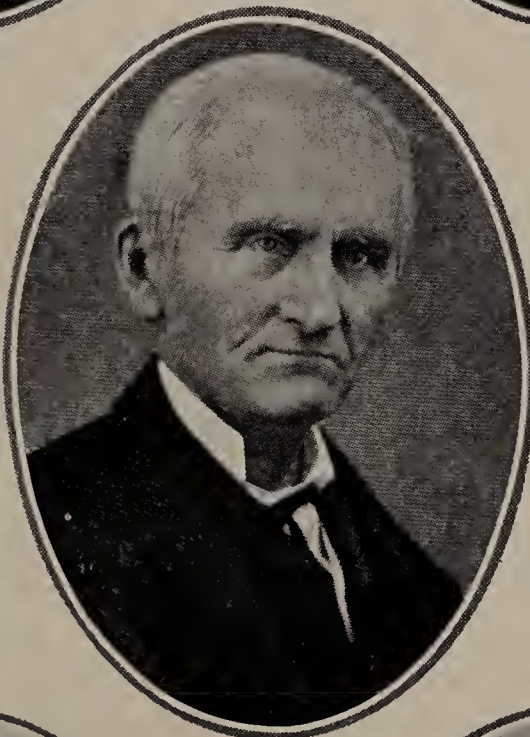




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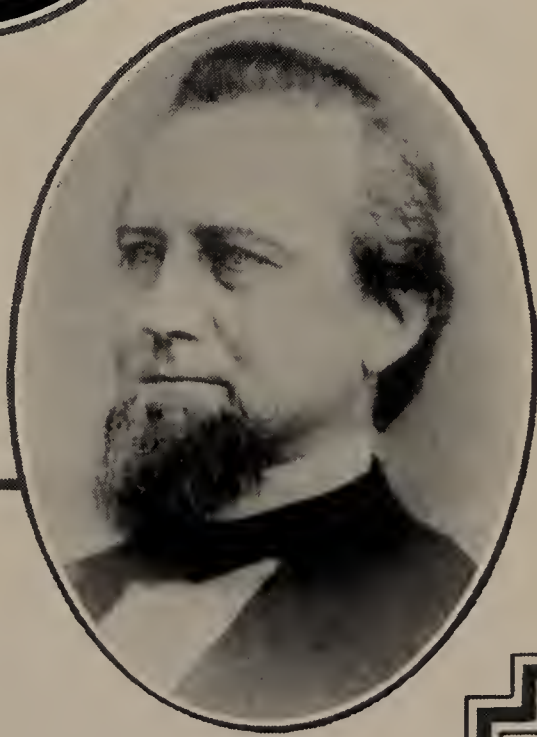
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4



5

1. Thomas S. Ashe

3. Jonathan Worth

2. Thomas J. Jarvis

4. William L. Saunders

5. Robert H. Cowan





these were wise; indeed, no better appointments could have been made. Their report was considered by the Assembly, and was finally passed on the 10th of March. All prior laws inconsistent with this legislation were repealed. The freedmen were given the same rights as the former free negroes. They could testify in courts where negro rights were involved, and in all cases, either civil or criminal, their testimony was admissible by consent. Marriages between the races were forbidden. Parties cohabiting as man and wife were deemed to have been married, and provision was made for recording the facts. A warden of the poor was provided for in each county for the negroes as for the whites. After wisely adjusting the State to the changed conditions, the Legislature toward the last of March adjourned.

The freedmen

Dr. R. J. Powell, formerly of Chatham County, but who had remained at Washington during the war, had been the representative of Governor Holden at the Capital, but Governor Worth now utilized the services of B. S. Hedrick, a very estimable gentleman, who had been forced to retire from a professorship at the University in 1860, as his advocating the election of Lincoln was adverse to the interests of that institution. He had recognition at Washington during the war, and now gave very intelligent and honorable service to Governor Worth.

B. S. Hedrick

The declared object of the war having been accomplished, the entire South acknowledging the authority of the Federal government, the several Southern States expected to resume their places in the Federal Union; and North Carolina, according to the President, had been reconstructed. But now other purposes were to be subserved.

Divergences

The war had originally been begun at the instance of Northern Republican governors apparently to promote their party purposes; now, after it had ceased, measures were devised to assure the ascendancy of that party. The President was at variance with Congress as to some of these measures. The President and the judges held that the reconstructed states were states in the Union. This the leaders in the House denied. Those chosen as Representatives in Congress at the November election were Jesse R. Stubbs,

The attitude of Congress

Representatives to Congress



The Federal  
Court

Civil rights

The Presi-  
dent

C. C. Clark, Thomas C. Fuller, Josiah Turner, Lewis Hanes, S. H. Walkup and Alex. K. Jones, but Congress adopted a resolution that no member should be admitted from any insurrectionary state until Congress had declared the state entitled to representation. So although these persons, as well as the Senators elected, presented themselves, no attention was paid to them, and they were not admitted: and when Governor Worth addressed a communication to Congress and the Speaker proposed to lay it before the House, that body, on March 6, by a vote of 100 to 38, refused to receive it. The House would have no dealings with North Carolina as having an existence. Yet about the end of January George W. Brooks was confirmed by the Senate as District Judge, D. H. Starbuck as District Attorney, and D. R. Goodloe as Marshal; so that the Federal Court was duly constituted in the State: and collectors of customs and other Federal officers were appointed, and the President continued to issue many pardons. However, the House formally resolved that it was for Congress to declare a state entitled to representation; and at the same time a bill was passed giving negroes every civil right enjoyed by the whites. This bill the President promptly vetoed, but Congress quickly substituted another, not so broad in its terms, which passed notwithstanding the veto. The differences between the President and Congress now became sharp and positive; but the people of North Carolina were so concerned with their individual fortunes and local affairs, and were so helpless as to matters at Washington, that they were mere spectators of passing events.

### The Convention

1866

Worth's  
message

On May 24, according to adjournment, the Convention reconvened. Governor Worth explained the situation. "We have been grievously disappointed by the rejection of our members by the Congress of the Nation." Five months had passed and Congress had intimated no policy of restoration. "Let us so act as to retain our self-respect. If bitterness is to be continued, let us refrain from giving any just excuse for its continuance." Of General Reiger's cordial ac-

tion as the head of the Freedmen's Bureau, he expressed decided appreciation.

The Convention at once addressed itself to reforming existing laws and to revising the entire Constitution of the State. It took that instrument up section by section, and to some extent rewrote it. Their work was finally adopted by a vote of 63 to 30, but when it was submitted to the people for ratification the popular vote was 19,570 affirmative and 21,552 negative; so the proposed changes were not incorporated in the Constitution.

The people having been industriously at work in every line that was open to them, their general condition was now somewhat settled. The crops had been good, the railroads were operating on schedule, the merchants had secured goods and resumed business, the courts were open, the Supreme Court meeting in June, and public and private affairs were receiving attention. The stay law was operative as to the collection of debts, and indebtedness originating during the war was subject to a scale ascertained and fixed by law.

In the homes

Life was resumed, but not in its wonted channels, for the impoverishment of the people was extreme, and hardships and suffering necessarily accompanied the changes. There was a resolute struggle against adversity, and the people went on their way not rejoicing, but fully realizing the fate that had overtaken them. They were heartened by the observations of Bill Arp, a homely philosopher of Georgia, and sought comfort in recalling that, "He maketh his sun to shine on the evil and on the good and sendeth his rain on the unjust and the just." And in the somber shade of their woeful experience they addressed themselves resolutely to the duties of life and seemed to develop a deeper religious sentiment in the sorrows and afflictions that it was their misfortune to bear.

The various religious denominations having severed their relations with those of the North, remained in that condition; but the Episcopal Church had somewhat of a territorial character, and on the passing away of the Confederate States the question arose as to what should be done about "The Protestant Episcopal Church in the Confederate

The denominations



Philadelphia

Bishop  
Atkinson

States.” Some of the Diocesan Councils were held in May, 1865, but nothing was determined by them. The General Council was to meet in November, while the Triennial Convention of the Church in the United States was to meet in October. The Presiding Bishop on July 12 urged the bishops of the Southern States to attend. The meeting was to be at Philadelphia where “Beauty and Booty” had been placarded as the incentive for enlistment, where Phillips Brooks had preached his violent sermons, and where on May 6, the *Episcopal Recorder* had demanded that some of the leading bishops and clergy at the South should be hanged, a sentiment that found expression likewise in other church papers. The invitation of Bishop Hopkins, however, appealed to brotherly love, and Bishop Atkinson deemed it his duty to propose reunion; and the State Council elected delegates to Philadelphia as well as to Augusta.

Bishop Atkinson attended at Philadelphia, October, 1865, but when urged to put on his robes and appear with the Northern bishops he declined, but took his seat in the body of the church. But, later, he was prevailed on to take his seat as a bishop, along with Bishop Lay of Arkansas; and the “Gloria in Excelsis” was sung. There was a resolution for a joint service of thanksgiving on the restoration of peace. It contained an emphatic sentence touching the re-establishment of the authority of the United States, and was adopted by the House of Bishops. During the discussion Bishops Atkinson and Lay had absented themselves. When the House next met it became known that these Southern bishops would not join in that service. The resolution was at once reconsidered, and Bishop Atkinson was appealed to. He said: “We are thankful for the restoration of peace, but we are not thankful for the reëstablishing of the authority of the National government over all the land. We acquiesce in that result. But we cannot say we are thankful. We labored and prayed for a very different termination. I am willing to say I am thankful for the restoration of peace to the country and unity of the Church.”

At once the resolutions were modified, merely to “a day of thanksgiving and prayer to Almighty God for the return

of peace and the unity of the Church." While Bishop Atkinson's action did not at first meet with the approval of all that communion in the State, he was so revered and beloved, and the purity of his motives and purposes were so evident, that eventually all bowed in submission; and so it came about that the Episcopal Church of the South passed away, the Southern Dioceses returning to the Church of the United States.

There was but slight friction between the Federal authority and the people. Several newspapers had been suspended for alleged improper utterances; punishment by whipping was prohibited; and there were some other assertions of authority that, however, did not materially concern the people. The operations of the Freedmen's Bureau gave most concern, and idle and vagabond negroes were here and there a menace, Governor Graham particularly calling attention to the bad condition in Orange County. "But," said Governor Worth in June, "our courts have been allowed to take jurisdiction in all criminal matters, and in all civil matters of importance to which freedmen are parties, although there have been recent interference in petty matters by the Freedmen's Bureau."

State  
autonomy



## CHAPTER LXII

### CONGRESSIONAL RECONSTRUCTION

Divergences at Washington.—The report of Reconstruction Committee.—The powers of the Conqueror not vested in the President.—The will of the conquerors.—General Lee.—The monument to his daughter.—Washington remonstrates.—The conflict between Congress and the President.—The election for Governor.—Worth elected over Dockery.—The Assembly rejects the Fourteenth Amendment.—The people at work.—The last of the State government.—The Federal election 1866.—Holden's attitude.—Ashley seeks to impeach the President.—The Reconstruction Act.—The State in a military district under Sickles.—Judge Merrimon resigns.—The birth of the Republican party.—The United States Court.—The President visits Raleigh.—Holden in opposition.—Registration.—Canby succeeds Sickles.—The election.—The trial of Tolar.—Race conditions.—The Bureau officers.—The Union League.—The Ku Klux.

#### At Washington

Jan., 1866

The partisan  
view

1866

There had been a divergence between President Lincoln and Thad Stevens, Sumner and their followers as to the prerogative of recognizing government in a Southern state. The President claiming the right, Congress, in July, 1864, denied it, and itself claimed jurisdiction; but the President vetoed the bill. When President Johnson proceeded to carry out President Lincoln's program there was opposition in Congress, and Thad Stevens, in December, 1865, warned his party that if that plan of reconstruction was allowed, the Southern States, together with the Democrats of the North, would control the country. He insisted that the Constitution should be amended "as to secure perpetual ascendancy to the party of the Union." He suggested, first, to reduce the representation of the Southern States, and, then, the enfranchisement of the blacks and the disfranchisement of some whites. By such means he expected to elect Republicans at the South to Congress. So on January 3, 1866, he introduced a resolution proposing a Constitutional amendment to reduce Southern representation, but it then

failed to pass the Senate by a two-thirds vote. This, however, was the beginning of a great contest for power on the part of the Republicans, and the year 1866 marks an important era. North Carolina was to all intents and purposes a state in the Union, except that Congress held otherwise. The Federal officials were performing their functions, and the Constitution and laws were observed: but Congress denied her statehood, and there was still a major-general exercising military control over civil administration. While General Robinson, the military commander of the district, had been generally inclined to coöperate with Governor Worth, in July, 1866, he was persuaded by Holden, T. R. Caldwell and others, who, "having malignant feelings," sought to overthrow the Worth government and restore the State to military rule. In aid of this purpose, it was represented that Union men could not obtain justice in the courts, especially at the west and in the Albemarle region. General Robinson was persuaded to take that view, and sent a commissioner to ascertain the facts, claiming the right to suspend the courts. All during the summer *ex parte* investigations were being made, but eventually the circumstances on which the complaints rested were shown to be most trivial and without foundation in fact.

The object

Holden

### The War declared a conquest

At length on June 18, the Congressional Committee on Reconstruction made its report. It came as a thunder clap. It proposed to ignore all that had been done, to set aside utterly the presidential reconstruction. The Southern States were not states at all, but mere conquered territory. The report was the following:

The Committee on Reconstruction

"No part of the people of the United States can withdraw from the authority of the United States. They have no right to secede; and while they can destroy their State governments and place themselves beyond the pale of the Union, they cannot escape the obligations imposed upon them by the Constitution of the United States. The Constitution does not act on the states, but upon the people. While,

The report



The conqueror

therefore, the people cannot escape its authority, the states may cease to exist in an organized form, and thus dissolve their political relations with the United States. These rebellious enemies were conquered. The powers of the conqueror are not so vested in the President that he can fix and regulate the terms of settlement. The question before Congress is, then, whether conquered enemies have the right and shall be permitted, at their own pleasure and on their own terms, to participate in making laws for their conquerors. The testimony is conclusive that after the collapse of the Confederacy the feeling of the people of the rebellious states was that of abject submission, but now they assert themselves."

In Georgia they had elected as a Representative, Alexander Stephens; that disposition was a crowning offense. Thus it was that to the Northern mind the calm and majestic bearing of Lee and the sympathetic bearing of his soldiers, in faithful observance of their parole to obey the laws, was considered as abject submission; and so, likewise, a disposition to be represented in Congress by a man of the highest character and intelligence rather than by men not so well qualified, was a cause of offense. But it was a strange time. The Northern States of the American Union were conquerors of the Southern States.

#### **No disagreement by some**

There were at least some at the South who took no exception to that claim of Congress, except so far as the North was estopped from putting their conquest on that ground. Without regard to its origin, the conflict developed into a great war between the inhabitants of the territory north of the Potomac and the Ohio, and the inhabitants of the territory south of those rivers. It mattered not how it originated or by what name it was called, the people of the North conquered the people of the South. On the part of the latter, the war was merely of defense; on the part of the North, of conquest. What they should do with the conquered people who submitted to their domination was perhaps a matter for the conquerors.

Alaric and Attila were conquerors; but their attitude to the conquered people was not affected by honorable obligations arising from the origin and purpose of the conflict and their continued representations of the object of war. The Northern people were in a different case. They had obligations. The honorable obligations were utterly disregarded by the conquerors. If it was a stain on their characters and a stigma, they were incapable of understanding it or were indifferent. Under earlier circumstances, President Lincoln and Congress had made representations as to the object of the war. It was to preserve inviolate the Union of the states under the Constitution. Now restraint was removed. It was similar to the situation of Sherman and his army in the grand march—no opposition, relieved of restraints, loose rein given to his army, no longer soldiers but despoilers—so Congress, victorious, relieved of restraints, gave loose rein to its own inclinations. Bitterness and wrath vied with each other and honorable obligations were ignored.

The Congressional committee reported an amendment to the Federal Constitution, known as the Howard, or the Fourteenth Amendment. It made every person born in the United States a citizen, and prohibited any state from abridging the privileges of a citizen or denying any one the equal protection of the law. And it disabled from holding any office every person who, having taken an oath to support the Constitution, had engaged in the rebellion. Such was the summer's fruition of the winter's discontent at the North. That the Southern people should place a ban on their most esteemed citizens was an abhorrent proposition. They could purchase no advantage at the expense of their self-respect. As they had so faithfully observed their oaths as to be deemed by Northern statesmen "in abject submission," a civilized and enlightened foe might have been expected to exercise his power as a conqueror without seeking to impose degradation on the conquered. Rebellion has often been the highest duty of patriots. It was so at times in England, and in the colonies. There was that in the history of our immediate forebears in England and in the colonies that robbed the word of its supposed stigma; such as the ex-

Obligations

The Fourteenth Amendment



ample of Hampden, of Washington, of Warren at Bunker Hill. There have been men engaged in rebellion who gloried in their action and whose career was as glorious as it was righteous. When the inhabitants of a vast country move in unison, embracing men of every rank and station in life, men loyal to their conscience, loyal to their duties, loyal to their obligations, loyal to society, and devoted to their Christian religion and its sentiments and to their Republican principles of self-government, and to what they regard as the constitutional obligations which their fathers and kinspeople had established, it is as a mere straw on the surface of the ocean to impute to them as a stigma or stain that they are "disloyal" to a government from which they propose to escape.

The prayer  
April, 1861

A majority of the people of North Carolina had been in sympathy with the feeling that Mr. Gilmer gave expression to when he wrote to Mr. Seward: "If it would avail aught, I would come to Washington and go down on my knees to you and pray you not to change the plan and policy you had agreed to observe." It was ruthless to deluge a continent in blood. Having precipitated the calamity and persisted in the slaughter, the North to soften the aspect and to frame a justification, had recourse to the makeshift of "Treason and Rebellion." Throughout the war the justification was that the Southern States were still members of the Union; but when the war was over it was found convenient to hold that the Southern country was conquered territory and was to be dealt with by the conquerors at the conquerors' will.

The rebel-  
lious action

Immediately on the publication of the President's amnesty proclamation, General Lee had presented through General Grant his application for pardon; and General Grant had forwarded it "with an earnest recommendation that it be granted."

July, 1866

One of General Lee's young daughters had died in Warren County and had been interred in some family graveyard in the county. In July, 1866, some ladies proposed to mark the grave with a monument, and invited Governor Worth to be present. He accepted, availing himself of the oppor-

tunity "of exhibiting any respect for the great and good father and amiable daughter."

But on remonstrance from Washington that "the very men who have so solemnly sworn allegiance are ever seeking opportunity to insult the Union men and falsify their own oaths by rebel demonstrations," Governor Worth said that while the Southern people "think they may cherish respect, even affection, for General Lee, with entire compatibility with the most steadfast adherence to the Union," yet because of the fact that the North will regard it as evidence of rebellious feeling, he would not participate on the occasion.

Worth, II,  
693, 731

The conflict between Congress and the President brought new conditions in North Carolina. It raised new hopes in the breasts of Holden and his supporters. They now turned from the President and aligned themselves with the Stevens faction.

The President

It became a contest between the Worth administration and the government established in the State on the one hand, and the purpose of those who designed to unsettle everything on the other.

The regular election for governor was now approaching and Governor Worth announced himself for reelection. Holden, realizing that he himself could not be successful, assented to an appointment tendered him by the President as minister to San Salvador; but that nomination not being confirmed by the Senate, he cast about to secure Worth's defeat.

Election of  
Governor

His first move apparently was to have some candidate brought out who would receive the Confederate army vote—General Ransom was mentioned, and then later, Gen. W. R. Cox. But that plan falling through, and various Whigs who were mentioned not accepting, he started again the Red String organization, and proposed to have a meeting held to bring out an unmistakably loyal man. The meeting was held in Holden's office at Raleigh. It declared that the Howard Amendment—the Fourteenth—ought to be adopted, and he tendered the nomination to Alfred Dockery. Dockery did not formally accept; but, although he an-

Holden's  
plan

Worth, II,  
789



Oct., 1866

nounced that representation should rest on the white basis, he was supported by the negro suffragists at the election.

Of the twenty-two papers in the State, fifteen supported Worth, but the feeling among some of the old Whigs in the State, not supporters of Holden, was so intense that Governor Worth was called on to explain how he had allowed himself to appoint Governor Bragg one of the directors of the Asylum for the Insane, that being perhaps the only appointment of a former Democrat that he had made.

Touree

In the meantime there appeared in the State a very active partisan, A. W. Tourgee, who had procured his own appointment as a delegate to a Union negro convention at Philadelphia, held a fortnight after a great convention met there sustaining the President. Tourgee was for negro suffrage and social equality, and his advent into North Carolina affairs marked a departure from the previous attitude of public men. In one of his speeches, as reported in the Northern newspapers, he claimed to have been informed by a Quaker that he had seen fifteen murdered negroes dragged out of one mill pond. But at that time the military authorities were making close investigations, and no one else ever heard of such an incident. Other statements Tourgee made Governor Worth declared he knew had no foundation.

Worth, II,  
773

Governor Holden, while coöperating with Tourgee, however, did not then approve of negro suffrage. While he was consumed with a burning desire to beat down, first, the old Democrats who had blasted his early schemes of ambition, and then those Whigs who had opposed him in 1864 and 1865, he still had a close connection and association with the working white men that made him an advocate of their welfare, and negro suffrage and social equality were distinctly adverse to their particular interests. At the election about the middle of October, 1866, Dockery received but 10,759 votes, and Worth 34,250, he gaining nearly three thousand while the opposition fell off fifteen thousand.

Oct., 1866

### The Legislature

The Legislature chosen in October met on November 17. Nov., 1866  
To both bodies some former Democrats had been returned, and the membership was fairly representative of the intelligence of the State.

Among the Senators were Governor H. T. Clark, M. E. Manly, E. D. Hall, J. W. Cunningham, John Berry, A. C. Avery, James R. Love and J. H. Wilson. Among the representatives were Plato Durham, W. McKay, J. H. Clement, F. M. Rountree, J. T. Morehead, T. S. Kenan, R. H. Cowan, R. Y. McAden, J. J. Davis and C. M. McClammy. In the Senate, Judge Manly received twenty-six votes for Speaker, and J. A. Engelhard, editor of the *Wilmington Journal*, was elected clerk by acclamation.

In the House, after several ballots, R. Y. McAden was elected Speaker, and the clerks of the former House were retained. The term for which John Pool was elected to the United States Senate would expire before a new Legislature would convene, and to succeed him eighty votes were necessary to a choice. The first ballot stood W. N. H. Smith 50, Judge Manly 45, John Pool 42; but on the fourth Judge Manly received 91, John Pool 41, and W. N. H. Smith 27.

On the 22d of December Governor Worth took the oath. Worth's  
view  
Governor Worth mentioned in an elaborate message: "Not a guerilla party had existed in the late rebellious states. . . . Our bench of judges have exercised their duties in a manner which would have given luster to the judiciary of any period in the history of the world." He said that he hoped the State would never give her assent to the Fourteenth Amendment; and, as for the negroes, "To grant universal suffrage to them now is manifestly absurd. . . . We must do the best we can for the common weal of the whites and blacks."

A resolution to reject the proposed constitutional amendment, on December 13, passed the Senate 45 to 1; and being transmitted to the House was immediately passed there, 93 to 10. Dec., 1866



Sickles's  
orders

General Sickles who was the Federal general in command of the department, had issued an order on October 1, 1866, interfering with the courts, prohibiting whipping, that being the penalty prescribed in certain cases by law, there being no penitentiary; and on the 13th of December Governor Worth communicated it to the Legislature and was directed by resolution to select a commission to accompany him to see the President, and have it modified. He selected Judge Boyden, Judge Merimon and Governor Swain; and others also went to Washington.

State action

The Federal government had imposed heavy taxes, that on cotton amounting to two and one-half cents a pound, and in 1866 nearly two millions of dollars were collected from the people on that tax. There was also an oppressive land tax. Another commission was raised at the instance of Governor Swain to visit Washington on the subject of the land tax and other matters; and on January 2 the Governor appointed Judge Merrimon, J. M. Leach, Bedford Brown and P. H. Winston on that commission.

The Convention having authorized the exchange of State's stock in the railroads for an equal amount of old State bonds, the Treasurer had advertised for bids for the State's stock in the Raleigh and Gaston Railroad, and sold the stock, receiving \$682,500 for it. The Legislature now repealed that ordinance and forbade such transactions.

#### **North Carolina proposes a National Convention**

The Legislature having rejected the Fourteenth Amendment, a resolution was offered proposing a national convention of all the states. This was amended to refer to a plan for the settlement of sectional matters proposed by some representative men—embracing a substitute for the Howard Amendment, but allowing states to require property qualification of \$250 for voters and an educational qualification, and proposing that the state constitutions should be amended to conform. This on March 1 passed the Senate by 27 to 6; in the House by 57 to 17. The people of the State, notwithstanding the unsettled condition of the political affairs, were now addressing themselves with

vigor and energy to their material concerns, and charters were applied for to incorporate some eight new railroad companies. With intelligence and patriotism the Legislature had responded to all such requests, and after a long and laborious session dealing with a multitude of important affairs, the Legislature finally adjourned on March 4 to the third Monday in August. Little did they then think that never again would the Legislature of the State meet under the sanction of the Constitution adopted by their revolutionary forefathers in 1776.

### **Reconstruction, 1867**

During the summer and fall of 1866 a most violent political campaign was waged at the North. The whole country quivered under the passionate appeals made to inflame sectional hatred and to arouse relentless animosity. A single specimen of forensic eloquence suffices. Other leaders vied with the malignant Shellabarger, an influential representative from Ohio, when he declared: "They framed iniquity and universal murder into law. Their pirates burned your unarmed commerce upon the sea. They carved the bones of your dead heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains; put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes; and commissions ordered the torch and yellow fever to be carried to your cities and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri." Such was the keynote of the campaign a year after peace. There were many other orators who worshiped at the shrine of ridiculous falsehood, and the Northern heart warmly responded. Malice swayed the Northern people, and Thad Stevens and Sumner rejoiced. In the State, Holden, watchful of passing events, now took strong ground against the President's reconstruction, and aligned himself with the victorious faction in Congress. At a caucus held at his house about the first of December delegates were chosen to go to Washington—the basis of the scheme being the disfranchisement of the whites and the universal en-

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IV, 235

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859



franchisement of the negroes. Congress was not content with asserting its dominion over the conquered territory, it proposed to wreak vengeance on the President.

Jan., 1867

On January 7, 1867, Mr. Ashley submitted to the House, "I do impeach Andrew Johnson, Vice-President and acting President, of high crimes and misdemeanors." And he offered a resolution that the Judiciary Committee inquire into the facts alleged, which was adopted by 108 to 39. As the session was drawing to its close, on February 28, the committee reported such testimony as was taken for further action.

March 2,  
1867

At the end of that session, March 2, Congress passed the first Reconstruction Act (1867) declaring that no legal government existed in any of the rebel states, that the existing governments were provisional only, and should so continue until a state constitution should be formed by a convention elected by all males without regard to color, except those disfranchised. The President promptly vetoed this bill, saying: "The laws of the states and of the Federal government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. The National Constitution is everywhere in force and everywhere obeyed. But immediately the House again passed it, 138 to 51, and the Senate, 38 to 10. And soon after the meeting of the new Congress a supplemental bill on reconstruction was passed. It also was vetoed, but was passed over the veto, there being but seven votes against it in the Senate.

Negroes to  
vote

The Presi-  
dent's view

The Con-  
gress firm

The con-  
quered terri-  
tory

Under these acts North Carolina and South Carolina, now declared no longer to be states but mere disordered territories without any governmental organizations, were thrown together into a military district, and the command, on March 11, 1867, was assigned to Gen. D. E. Sickles. Nearly two years had elapsed since the last soldier had laid down his arms and taken the oath to obey the laws—and had observed his oath.

Sickles's  
orders

On assuming command March 21, General Sickles announced that local tribunals will be permitted to try offenders, that the civil government is provisional only, in all re-

spects subject to his paramount authority; that laws not inconsistent with such regulations as he might prescribe were in force. He desired to preserve tranquillity and order by agencies most congenial to the people, and he solicited the zealous and cordial coöperation of civil officers and the aid of all good citizens; and on May 8 he announced that registration would begin in July; but it was, later, postponed, and on the thirteenth he announced many rules and regulations and laws that he would enforce.

Reign of  
Sickles

General Sickles, however, did not interfere specifically in the performance of the ordinary duties of the Governor and of the judges, it being understood that they were only tolerated as instrumental in preserving order and subject to his supervision. He and Governor Worth coöperated satisfactorily, and the State courts continued to hold their sessions, observing, however, the rules promulgated by the Military Governor; but, toward the end of July Judge Merrimon, believing that his oath of office forbade him from obeying an order of General Sickles, resigned. Alexander Little of Anson was appointed to the vacancy, and General Sickles approved the appointment.

Judge  
Merrimon  
resigned

### **The birth of the Republican Party, March, 1867**

Immediately after the adjournment of the Legislature the Holdenites in that body called for a convention to meet in Raleigh on March 27. Delegates from fifty-six counties met, blacks and whites. Judge Dick, Settle and Holden proposed to organize the Republican party in coöperation with Thad Stevens and his supporters. It proposed to obliterate the distinctions between the races. The Republican party now was to be organized in every county, the negroes being gathered into the organization through the Union League. A State Executive Committee was appointed. Among the members of that committee were C. R. Thomas, Alfred Dockery, Thomas Settle, R. P. Dick, David M. Carter, John Pool, A. W. Tourgee and quite a number of negroes and Federal office holders. Holden was chairman; and Holden now became the essence of bitterness.

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924



Public men

Many of those who had been leading public thought had passed from the activities of leadership. George E. Badger, Governor Morehead and Judge Saunders had died. George Davis was under parole, Governor Bragg and Mr. Dortch, and nearly all of the former Secession Democrats were silent. Governor Vance was pardoned in April, 1867; but he, like nearly all other public men, was under the disabilities of the Reconstruction Act.

Worth, II,  
945

Governor Clark, writing in regard to conditions in May, said: "Our people went in unanimously for their independence—they failed. They were conquered and they now submit in sincerity and good faith to their situation. They will avail themselves of any means or opportunity fairly and legally offered them, to better their condition, and are disposed to give their aid and assistance when allowed. They are yielding with surprising facility equal rights to our colored population; but they cannot go social equality yet, and detest the hypocrisy of those who are encouraging it for their selfish views. . . . The two races have got along remarkably well. The colored are generally kept at work. There have been few or no collisions of any kind, and apparently they mutually trust each other."

1867

Chief Justice Chase  
holds court

The coming of June, 1867, brought some novel sensations to the people of the State, and in particular were the denizens of the little village of Raleigh made to realize that after a fashion they were connected with the Union. On June 5 Chief Justice Chase of the Supreme Court arrived to hold court, and was warmly received by the citizens. At noon on the following day, in the Senate Chamber, he opened the Circuit Court, having Judge Brooks associated with him. Distinguished members of the bar attended. The Chief Justice made a short address, during the course of which he explained that while the military authorities still had authority to preserve peace and order, yet "this military authority does not extend in any respect to the courts of the United States."

Congress having passed a bankruptcy act, registrars in bankruptcy were now appointed, and that very beneficent measure took effect much to the relief of many debtors.

The session of the court closed without incident. A week later Raleigh was visited by still more distinguished guests. The President arrived, and he was accompanied by Secretary Seward and the Postmaster General, Randall; and by many officials and reporters. There were in attendance, also, Generals Sickles and Miles, and other officers of high degree.

The President comes

The military paraded the streets, flags were flying, and there was quite a demonstration of welcome. Among those who met the President were Governors Worth, Swain, Graham and Bragg, Judges Reade, Manly and other representative men of the State; but generally, the Secession Democrats were not drawn from their distant homes. Their quietude remained unbroken. The next day there was a very large attendance at the cemetery, where a monument had been erected to the President's father. In an address made by the President, he referred to his early life in Raleigh, his boyhood friends, his departure without a dollar in his pocket and his career in life. He declared that his native State had always had a warm place in his heart.

The reception

The President's party went on to attend the exercises at the University. Holden and Johnson had formerly been good friends. The spirit of Governor Holden was now well illustrated by the ill-concealed sneers of the *Standard* at the incidents of this visit of the President; and finally, the *Standard* said: "The University is in the hands of persons disaffected to the government. It must be reformed. The State Convention, to be held under the Sherman Act, must reform it from turret to foundation stone."

Holden's attitude

Standard, June 12

When the Fourth of July approached Holden thought to utilize it for a purpose. He procured a large number of negroes to assemble at Raleigh and adopt resolutions praying that the civil government be set aside and a purely military government established; the pretext being that the administration was antagonizing the call of the convention. A delegation of six, whites and blacks, was appointed to press this move at Washington; but like all of Holden's former schemes, it proved ineffective.

Worth, II, 997



### The registration of voters

Under the Reconstruction Acts the registration of voters was to embrace all male citizens twenty-one years of age who shall have taken an oath that they are not disfranchised, that they have never taken an oath to support the Constitution of the United States and then had engaged in rebellion. An election for delegates was to be held "for" or "against" a convention, the voters at the same time voting for delegates: the returns to be made to the commanding general. The registrars and election officers were all to take the ironclad oath.

Miles inter-  
feres

Worth, II,  
942

General Sickles, in view of these provisions, early applied to Governor Worth to recommend registrars; but General Miles, of the Freedmen's Bureau, sent out a circular to his agents and his subordinates to report three men for each county, one of whom to be a negro; and a proportion of military and Freedmen's Bureau men. There were one hundred and seventy registration precincts established. The registration began about the last of August and the negroes hurried to register. It was under the charge of an appointee named Helper, a brother of the author of *The Impending Crisis*.

The Union  
League

There had been established the Union League, as a secret society, and every preparation had been made to bring the negroes to register. There was a hope of "forty acres and a mule," and other rewards in view.

Worth, II,  
1045

Sickles re-  
moved

Canby

The opinion announced by the Chief Justice that the military authority does not extend in any respect to the courts of the United States was contrary to that held by the military commander. An execution issuing out of the United States Court was suspended by General Sickles's authority. The President sustained the court, and the Attorney-General began proceedings to have General Sickles indicted for violation of the criminal laws of the United States in obstructing process of the court. To meet the situation, the President removed General Sickles on August 26 and Gen. Edward R. S. Canby succeeded him in command of the district.

### The election

The registration as revised by General Canby was 106,721 whites and 72,932 blacks. On October 18 he issued an order for the election on the 19th and 20th of November to ascertain if the people would have a convention. The vote was 93,506 for and 32,966 against a convention. About 23,000 whites voted for it, 32,961 against it, and about 50,000 of the registered whites did not vote. Delegates were elected at the same time. Thereupon on December 31, General Canby announced that the delegates should meet in convention on January 14 at Raleigh.

The election  
under Canby.

Nov., 1867

General Canby estimated that 11,686 whites were disfranchised and that 7,791 who were entitled did not register, so 70,000 whites did not vote for the convention. However, said General Grant: "The present condition of the district is so satisfactory as to warrant the belief that after the election the military posts can be diminished." Many of the whites felt that the situation and conditions placed them under such a restraint that they would not participate in the proceedings. It was not the voice of North Carolina that was expected or desired. It was not a free expression of the will of the whites that was being recorded. They would have no part in the matter. Indeed, of the 23,000 whites who voted for the convention, there were many who utterly disapproved of the proceeding, but yet deemed it wise to accept the terms imposed by Congress rather than incur the risk of harsher measures at the hands of those who asserted that they were conquerors. On the whole, perhaps not one-sixth of the whites gave voluntary support to this measure to establish government in the State on the basis of negro suffrage.

Hamilton,  
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Convention

In addition to the depression incident to these political matters, the inertia of business of all kinds in the absence of currency and of banks pressed heavily on the people. Besides, crops in the interior had been insufficient and there was real suffering. Such was the closing of the year.

Dec., 1867

On February 11, 1867, a negro man, Archy Beebee, being accused of committing an assault on a white girl, was ar-



Tolar

rested and taken before a magistrate in the courtroom of the market at Fayetteville. A great crowd attended. After the examination, as the officers were taking the prisoner away to jail, the negro was shot and killed. William J. Tolar was accused of firing the pistol, and others were charged with being conspirators.

In June, 1867, under the Act of March 2, 1867, putting the State under military rule, General Sickles created a military court to try Tolar and others for murder. The court convened at Raleigh July 22. Many witnesses were examined, the evidence ending September 10. The arguments continued far into the night of the fourth day, September 14.

The court-martial trying this citizen for murder found him guilty and the general in command sentenced him to the penitentiary. This trial illustrates the military rule of that period.

### Conditions

In North Carolina, as throughout the entire South, conditions were novel and peculiar. Besides the respective attitude of the conquered and the conqueror toward each other, there was an additional element in the problem of life arising from the close association of the two distinct races that formed the population; and that was accentuated by the previous condition of servitude on the one hand, and of accustomed superiority on the other. One race was educated and had ever exercised all the powers of government; the other was illiterate and had only such rights as the whites had chosen to allow them. Still the whites were Anglo-Saxons of the purest strain, and respect for law was their inheritance, and the negroes, trained in servitude, were by nature obedient to authority. In North Carolina there were not a few negroes who had for generations been freemen. Up to 1835 they had voted as other citizens; they held property and enjoyed, generally, the civil rights of the white men. The emancipation of the slaves only served to enlarge the number of these negro freemen, and the whites

found no difficulty in adjusting the law to the changed condition.

The personal rights, ever accorded to the free negroes, now were extended, as a matter of course, to the emancipated slaves—embracing all the civil rights of life, liberty, property, the pursuit of happiness and the protection of the law. But the distinction between the races, founded in nature, remained, and their habitual attitude was largely preserved. Had they been left to themselves, the general bearing of the races toward each other would have remained kindly, considerate, and most friendly.

After the surrender, as during the closing months of the war, there was much suffering among the whites, much privation and distress. That was a natural result, and it was borne without complaint. Similarly, there was distress among the negroes which was somewhat increased by many of them, rejoicing in their freedom, moving about, and improvidently crowding together where there was no work for them to do.

The government had undertaken to be helpful to the blacks, and doubtless largely succeeded. But, eventually, the influence of the agents engaged in the work was exerted in channels that tended to unsettle the amicable relations between the races.

The negroes

The questions involved in the overthrow of the government established in the State in 1865 under the sanction and authority of the President, and the substitution of a government planned by the malignant majority in Congress, were of direct interest to the negro.

Without comment the government maintained during the Confederacy gave place to that organized in 1865. For two years that was in perfect operation, being in consonance with the Constitution adopted in 1776, and continuing the laws known to the people and instituted by them. Then, against the wishes of the great bulk of the whites, that government was replaced by one set up through the power of Federal bayonets; by the aid of the ignorant negroes as voters, and founded on negro suffrage as the base of the fabric.



Thus not only was the destruction of the old government and the substitution of the new one of interest to the negro, but the very purpose of the change was to assure the dominance of the negro in the State, and, through him, to maintain the ascendancy of the South-hating Republicans in Congress and in the presidency.

The proposition, in effect, was to make the ignorant negro at the South the repository of the power determining the administration of the country. Without him, the malignants feared defeat; with him, they proposed to perpetuate their control.

The daily work of the citizens had not been interrupted and the current of life had not been interfered with, for the several steps in the program of congressional reconstruction had been outside of State affairs; but now that a new constitution was to be adopted, and a new government was to supplant the existing one—the effect of the change was realized, and there was a perceptible shudder. A revolution was in progress, and the Constitution of 1776 and the laws made under it, were to pass away.

### **The Union League**

An organization called the Union League had been introduced during the war in the territory occupied by the Federal forces, and a similar organization had extended throughout some of the interior counties. After the war the League became popular with the negroes and with the whites of some of the western counties; but in the counties where there were many negroes the whites rejected it.

Under the benignant rule of the Southern white men and in close companionship with the white families to whom they belonged, the negroes, during their generations of servitude, had progressed incalculably from their natural condition in Africa, and far beyond what they had attained to in Hayti, or Jamaica, or in any other country where they were numerous; but, as a class, they were tractable, pliable, and easily led by designing men who gained ascendancy over them.

Even the sudden removal of the restraints of slavery was in itself fraught with possibility of evil to society; but, had there been no improper leadership, that peril might have been sufficiently averted. It naturally came about that the bureau officers, representing the government that had established their freedom and had a title to their confidence, became their counselors and largely influenced them.

At length, under the leadership of the bureau officers, Northern whites and some educated negroes, the League became organized for political purposes; nor were its operations confined to such objects. In some localities the domination of the leaders was harmful, resulting in crimes.

Unconnected with the League, however was the deplorable condition of Robeson County, where a considerable number of half-breeds, mixed with Indian blood, beginning their criminal operations during the war, continued to harass the lower portions of that county, virtually driving the whites out.

The Robeson  
Indians

But, elsewhere, at times there were similar disturbances, though not so violent, attributed to the League.

The program instituted by General Reiger immediately on the surrender of General Johnston was everywhere maintained. It was the natural course to pursue. The whites had need for the labor of the negro, and the blacks reasonably continued as laborers in the field. No negro was denied employment because of his color or race.

The new  
thought

But in January, 1867, the negroes were awakened to a new thought—that since they produced the crops, which the whites took, they were still in effect slaves, working for the whites; that they were to be enfranchised, and the bulk of the whites disfranchised; and that they would then be relieved by being the dominant power and supplant the State government with a new one in which they would have the dominion. This information was disseminated through the Red Strings and the League. Such teachings had the natural effect. Banded together in the secret, oath-bound League, the negroes became, here and there, a menace to society, and individually engaged in social crimes.

The terror



Thus in Greene, Pitt, Jones and adjoining counties, in 1867, according to the *Tarboro Southerner* and other papers, a reign of terror was maintained by bands of local banditti, and murders and robberies occurred.

In Jones, especially, the negroes committed many outrages. In that county, the gallant Col. J. H. Nethercutt, sitting at his supper table, was murdered by an assassin—perhaps not a negro, but doubtless a member of the Union League.

In the tier of counties west of Raleigh similar conditions, in a measure, prevailed. In Orange, it was said, women feared to leave their houses. Here and there, barns were burned, and other troubles set in.

The introduction of negro schools, often conducted by Northern women, whose sympathies for the blacks led them to the verge of social equality, and whose association with them had a deleterious influence on the bearing of the negroes toward the white residents, likewise was an element fomenting race conflict.

Worth, XX,  
869

The  
Ku Klux

Such was the condition in 1867 when a white secret organization known as the Ku Klux Klan was introduced in the State. It apparently came over the line from South Carolina, finding ready assent in the border counties west of Charlotte. And it had membership in Warren, Wake, Chatham, Orange, Alamance, and that tier of counties where a hundred years before had been the home of the Regulators. Traditionally, the people of that section had the spirit to associate and remedy through regulation the evils that afflicted them.

Farther east, where the negroes were still more numerous, the Klan took but little foothold. At Wilmington, the proposition to establish a secret organization to aid and protect any white citizen who got into trouble was decisively negated by the declaration that there ought to be no secret association.

The organizations appear to have been local. In some neighborhoods a dozen or twenty whites would come together and form a camp. They would meet in an old field or grove at night, and consider conditions, measures and agree on some action.

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These camps were not associated, but doubtless there was some attenuated connection, and, perhaps a head of the entire body; and there may have been several distinct organizations—"The Invisible Empire," the "Ku Klux Klan," the "Constitutional Union Guards." As they were secret societies, and their operations were veiled in secrecy, but little is known of them. With the League it was different; for while that was a secret society as to the initiation of members, its oaths and operations, yet they paraded in public; had a national council, executive committee, with subordinate councils, in each state, that had general supervision and direction in its territory; and local councils. Albion W. Tourgee, in 1866, organized the League in the central counties and became the first president of the State Council. W. W. Holden succeeded him, and it is said continued as president until 1870. The membership in 1869, when the whites at the west had abandoned the League, was stated at 70,000. During the elections of 1868 there were no particular racial conflicts, although, here and there, some local disturbances occurred, and lawlessness and crimes affected the central counties, especially.



## CHAPTER LXIII

### CONSTITUTION UNDER NEGRO SUFFRAGE

Differences between Worth and Canby.—Judge Fowle resigns.—Tourgee.—The Convention.—The new Constitution.—Race equality.—Deweese's statement.—The Conservatives meet.—Graham.—Organization.—The Republican Convention.—Holden and Ashe.—The campaign.—The Ku Klux.—The election.—The President impeached.—Holden appointed by Canby.—Worth's protest.—Legislature meets.—Membership.—Holden inaugurated.—New laws.—The State admitted to representation.—In the State.—The action of Northern Democrats.—The Fourteenth Amendment.—Holden disturbed.—A police provided for.—The presidential campaign.—The legislative declaration.—The Republican address.—Holden alarmed.—Republican Convention.—The article "Work."—Holden asks for troops.—The negroes urged to arm.—At Wilmington.—Grant elected.

After General Canby had succeeded General Sickles Governor Worth wrote: "I regard him as an unostentatious and candid radical. He has treated me with uniform courtesy, personal and official. I regard him as an honest man, but cordially coöperating with the less vindictive portion of the radical Congress. I do not perceive that we are benefited by the exchange. I think he holds our domestic radicals in less contempt than Sickles, and is much more esteemed by Holden & Company than Sickles was."

There was some friction between Worth and Canby arising out of General Canby's action in various matters. General Canby had established several provost courts and at least in four counties had a negro police force and had required some negro policemen in the towns.

On the 10th of January, Governor Worth wrote to Governor Graham: "When I saw the President about a month ago and gave him a narrative of Canby's action in Spier's case from Buncombe; his orders touching juries; his provost court at Fayetteville; his numerous removals of civil officers, assigning no reason for such removals, and not in a single instance consulting me as to the fitness of successors ap-

pointed by him; the wanton casting into prison and trial of McRae, the seizing of Griffith (sheriff of Caswell County) and carrying him to Charleston and his trial before a court-martial upon the evidence of two villains, Tourgee and Johnson, and the virtual discharge of the Granville negro, convicted of a wanton rape upon a woman of good character by himself and another negro, first one and then the other, in the presence of her little daughter, old enough to be a witness, and the verdict confirmed by a court-martial, the villain Avery being the Judge Advocate; and the case of the removal of the sheriff of Jones and the swearing in of insolvent Yankees, without a bond worth a straw; the President exhibited disgust and indignation."

Worth and  
Canby

Such was the state of the Governor's mind, when Judge Fowle resigned and the Governor cast about unsuccessfully to find some native, fit for the judicial office, who could take the ironclad oath, so that the Council could recommend him for appointment. In regard to the seizure of Sheriff Griffith "one of the best men in the State, a Union man," the Governor had written the facts to the President who had referred the matter to General Canby, who now replied, especially to the Governor's invective against Tourgee, the General saying that "Tourgee has been nominated to fill a vacancy in a civil office in North Carolina, and would have received immediate appointment but for the charge you have made against him." Governor Worth assumed that Tourgee was to be appointed to succeed Fowle, and busied himself in sustaining his charges; and was so successful that the general wrote him a letter of apology, and shortly afterwards came to Raleigh with his staff and paid the Governor a formal visit, and established cordial relations. It was a great victory for the Governor. Later the Governor, not being able to find a native eligible to the appointment, recommended C. A. Cilley, a former Federal officer, who had located in Lenoir and who proved to be a gentleman of fine qualifications as to character and fitness.



### The Convention

1868

The Convention met on January 14 in Commons Hall according to General Canby's order. It was a notable assemblage. All but ten were adherents of the Republican party; and among them were thirteen negroes, several Federal officers and other Northern men who had come with the Federal Army. There was no man in the entire body who had a State reputation and there were hardly half a dozen lawyers among the members. Calvin J. Cowles was elected to preside. Of the ten who were not affiliated with the majority, there were two young men of fine parts and high character, Maj. John W. Graham and Plato Durham. Some of the negro members were educated but of no experience. Indeed, the great body of the membership had no qualification for the duty they had undertaken. Under these circumstances the work naturally was performed by a few leaders, the chief of whom was Capt. A. W. Tourgee, a young man of acute intellect who had studied law in Ohio. The conventions of 1862 and 1866 had each spent months in seeking to improve the Constitution of the State; now the old Constitution was thrown aside and a new one was submitted. Indeed, the declaration was that the old North Carolina was no more; and there was to be a new North Carolina. Some of the provisions were adopted from the Ohio Constitution and others were in line with advanced legislation at the North. The distinction between proceedings at law and in equity was abolished and a commission was created to report a code of civil procedure to replace the practice under the common law. The members of the Supreme Court were increased to five. The judicial districts were increased and each district had its own judge. The county courts were abolished, and the counties laid off into townships and a new system of county administration was established. The judges, justices of the peace and all county officers were elective. A homestead and personal property exemption was provided for; and the rights of married women in their property were secured as their separate property. Imprisonment for debt was abolished ex-

The membership

Changes

cept in cases of fraud. Corporal punishment was abolished and a penitentiary was provided for. A general and uniform system of public schools was ordained, and, now, the thunder of Holden brought forth a bolt of lightning that blasted the University. That institution was put under trustees appointed by the Board of Education and declared a part of the public school system, open to both races alike. There was to be no race distinctions in suffrage and eligibility to office. Both the poll tax and the property tax were subject to a constitutional limitation. The Legislature was to meet annually; but its former power was in some respects limited. The term of the Governor was made four years, and that of the judges eight years, and the judges were all to be elected by the people, as well as the other State officers. Such were some of the principal changes of the fundamental laws, many of which were improvements. After a two-months session the Convention adjourned on March 17. The Convention, while making a new Constitution outright, however, recognized the legal existence of the former government by providing that the laws of North Carolina not repugnant to the proposed Constitution should be in force until altered; that indictments thereto found should be proceeded upon in the proper courts, and that all acting officers should hold their positions until their successors were qualified.

### **Race equality**

While the Republican majority in the body was so large, yet there were some coöperating with that party who were not in sympathy with the more aggressive leaders and were not inclined to accept the entire equality of the races, but the current was setting too strongly the other way. The Conservative members sought to have the races separated in the schools and militia; and to prohibit intermarriage and the apprenticing of white children to negroes. But their efforts were unavailing. The color line was to be ignored in the Constitution. This record gave point to the opposition of the Conservatives to the entire Constitution.



**Financial provisions**

Deweese

The provisions with regard to the State debt and taxation, and limiting the power of the Legislature to contract any new debt until the State bonds shall be at par unless there shall be a special tax in the same bill to pay the interest; and forbidding the issue of bonds in aid of any new railroad, unless approved by the people at the polls, were apparently in the interest of the public welfare, yet the Convention itself set the example of disregarding them. John T. Deweese, six years later, told the following: "I was an officer in the regular army of the United States, stationed among you from the close of the war until I resigned to take the appointment of Register in Bankruptcy, which I held until 1868, when I was elected to Congress. When the Constitutional Convention of 1868 was in session, many bankers of New York were desirous of getting that assemblage of corrupt and doubtful representatives to endorse one million of old State bonds or repledge the faith of the State to their payment. One of the members of that body, Gen. Joseph C. Abbott, told me that Soutter & Company would pay some considerable money to get the Convention to pass a law reëndorsing the bonds; that if I would see a Mr. Porter then in Raleigh, and make a bargain with him for some definite sum, he, Abbott, would put the bill through the Convention, and that we would divide the money. Mr. Porter paid \$5,000, and the money was divided with Abbott and some of the other members. Before the close of the Convention, the bill was passed giving State aid to the Chatham Railroad, and \$60,000 of bonds were given to General Littlefield to pay the members for their votes."

**The result**

When the perfected Constitution was being signed by the members, on motion, the Capitol bell was continuously rung. Besides framing the Constitution, the Convention adopted many ordinances dealing with legislative matters. It amended town charters, granted divorces, gave State aid to railroads and granted charters. It directed that the pro-

posed Constitution should be voted for or against on the 21st, 22d and 23d of April, under regulations prescribed by the commanding general and the returns be made to him. At the same time, members of the General Assembly and all State and county officers were to be elected, as well as Representatives in Congress. On March 17 the Convention adjourned.

### Organizations

In view of the election those opposed to negro suffrage began to organize. The old Democratic leaders were silent, 1868 except that Dick, Settle, Rodman and some others trained with Holden and affiliated with Thad Stevens and Sumner.

The old Whigs looked to Governor Graham as the leader of thought. He took strong ground for the white men to unite in opposition to negro suffrage and Governor Worth, standing with him, was very active in canvassing the situation. He wanted as a candidate for Governor some man who could consolidate the white vote. Governor Worth apparently thought he might do it more surely than any other. But Vance, Merrimon, Leach and others were canvassed; Vance then was practicing law at Charlotte, Merrimon at Raleigh. The Governor thought Vance would not be acceptable to the people in the Piedmont counties; and there was some objection suggested as to Merrimon, who, however, had the advantage of having no war record. At length under the call of a State committee that had earlier been appointed, delegates were chosen in the counties and a Conservative Convention met February 5, 1868, in Tucker Hall, Raleigh. There were 89 counties, and 56 were represented. While most of the delegates were perhaps of Whig antecedents the number of prominent Democrats that attended gave an assurance that former partisan differences were hushed. It was the first time in many decades that there had ever been such a union of the real leaders of thought in North Carolina. Governor Graham and Weldon Edwards, W. N. H. Smith and M. E. Manly, D. G. Fowle and Governor Bragg, R. C. Badger and M. A. Bledsoe, W. R. Cox and Seaton Gales, Vance and Merrimon, Ed. Hall and John

Vance

Conservative  
Convention



Graham's  
address

F. Hoke, all were banded together in a common cause. under the name of Conservatives. Addresses were made by these, and all to the same point. Governor Graham presided. In his address he said: "The white men must stand together." A resolution offered by Vance providing for co-operation with the Democrats and Conservatives of the North and West, was adopted without dissent, and W. N. H. Smith, W. R. Cox, William A. Wright and John F. Hoke were appointed as delegates for North Carolina. A complete organization was provided for, with committees for State, districts and counties. The Central Committee at Raleigh was composed of A. S. Merrimon, D. G. Fowle, W. R. Cox, Seaton Gales, J. P. H. Russ and M. A. Bledsoe, with R. C. Badger as secretary. From this time on, the Central Committee and the *Sentinel* at Raleigh became the chief instruments for party work. The selection of State candidates was left to the Executive Committee.

The Execu-  
tion Com-  
mittee

The Repub-  
lican Con-  
vention

Three weeks later the Republican Convention met; C. L. Harris presided; and among the vice-presidents was Handy Lockhart, a well-meaning, but very illiterate negro. "It nominated Holden for governor and Tod R. Caldwell for lieutenant-governor. It stood for negro suffrage." At that time, suffrage was still a matter for the states.

The Executive Committee of the Conservative party cast about for candidates. It offered the nomination for governor to Vance, who declined to accept it; then it was offered to Judge Merrimon, who likewise declined. The singular condition was that the nominee was to urge the rejection of the Constitution and if successful in that, then there would be no election to the office of governor; if unsuccessful in that, then naturally, the Republican candidate would be chosen. So, the nomination and campaign only involved an effort to defeat the Constitution and maintain the existing situation in the State, as a part of the Military District. Under these circumstances, the Committee did not know where to turn for a suitable man, who would make the campaign as a patriotic duty to the people. At last Colonel Cowan suggested that he thought Thomas S. Ashe would not decline to perform that duty and the Com-

Ashe

mittee authorized him to approach Mr. Ashe. Mr. Ashe had never been a politician. He was a lawyer, eminent for his learning, virtues and honorable career. No one in the State had more thorough esteem and respect. He had served in the Confederate House and had been elected to the Confederate Senate. He deemed it a duty to accept. On March 25, Governor Worth wrote: "Ashe is a good man; an old Union Henry Clay Whig"; and again he wrote to Vance: "There is no man among us fitter to be made governor than Ashe, but the substitution of his name for yours will not help us. I feel relieved at being out of the ring. Hurrah for Ashe!" Chief Justice Pearson and the two other justices of the Supreme Court were presented by both parties. On March 23, General Canby ordered the election, prescribing the regulations. As the election was to be held on April 21, the time for the campaign was limited. It was entered upon with eagerness. Although under the proposed Constitution, there was no disqualification for those voting for governor, yet the Constitution itself was to be voted upon only by those qualified under the reconstruction acts.

audience  
The election

### Adoption of the Constitution

The political campaign was short, but very earnest. Vance, Ashe, and all the influential men among the white citizens opposed the proposed Constitution.

The candidates favoring its adoption were generally men who had no standing among their white neighbors. A considerable number were Northern men who had come with the army and had found employment under the Federal authority—others were negroes. In the Convention there had been as delegates from New Hanover, General Joseph C. Abbott, who explained that he was entitled to a seat in the Convention because he had captured Wilmington, S. S. Ashley, who had been a clerk in the Freedmen's Bureau, and had been associated with a negro church at the North, and A. H. Galloway, an active mulatto of some education. For the Assembly, the Republican candidates were Abbott, Galloway, Estes, a Federal officer who had obtained the appointment of Collector of Customs, and a very good negro

New Han-  
over



## Conditions

man, G. W. Price. But none of these were taxpayers. Of the entire population in New Hanover only about one hundred and fifty whites supported the Republicans, and these almost exclusively Northern new-comers. Relatively the same general conditions existed throughout the counties. The Republican party as a whole did not represent one per cent of the property of the State, and, if the intelligence of the State could have been graded, probably not one-hundredth part of the intelligence. In June, 1868, Governor Seymour of Connecticut delivered the Commencement Oration at the University, and dined there with a company of distinguished and illustrious gentlemen, worthy of the highest honors of any state or nation. He subsequently mentioned that of all the persons in the room the only ones who could vote were the two negroes who waited on the table. Such conditions were very exasperating, and the protests of the whites on the stump were emphatic. On the other hand, those engaged in upholding the congressional program were defiant and provoking. Violent personal abuse marked the contest. Holden, the very embodiment of the radical cause, was fiercely denounced, and was hanged in effigy in the Capitol Square at Raleigh and elsewhere: and in return was himself very vituperative. Yet it is to be observed that he never made in his newspaper, the *Standard*, an indecorous remark about his opponent, Mr. Ashe, whom alone he did not assail.

## The influences

The negroes being banded together in the Union League, even the negro women being in a woman's league, and all thoroughly organized under the dominion of leaders in co-operation with the Northern white men constituted a solid black phalanx, arrayed against the native whites. The Freedmen's Bureau, provided with funds by Congress, had direct charge of the negroes, relieving the destitute, looking after them in the administration of justice, and providing schools for them. During the campaign there were between three and four hundred schools in session and an equal number of teachers, white and black, brought from the North, filled with Northern ideas of social equality. The schoolhouses naturally became the meeting places of

the Union League, and the friction between the races was increased by the attitude of many of the teachers, while the officers of the Freedmen's Bureau exercised a controlling influence over the negroes in antagonism to the native whites, and with the view of making them firm adherents of the Republican party.

The general effect of those influences was to modify the former attitude of the negroes toward the native whites, and to embolden many to disregard the law, whereas by nature and training they had been observant of lawful restraint. To meet the new condition, what became known as the Ku Klux Klan became evident in North Carolina, known elsewhere as the Invisible Empire, and under other names. It was an organization extending generally throughout the South, each camp being independent and operating locally. Perhaps it would be started in a locality with the suggestion that in case some one had a conflict with a negro, it might become necessary to facilitate his escape. At the east there had been several such conflicts. Moore, II,  
327

At Kinston there was a shocking outrage. In Orange white women feared to go alone into the fields: and the same condition of lawlessness prevailed to some extent throughout the central counties. It was largely attributed to the influence of the Northern school teachers. The Klan became night riders, resorting to terror to correct evils. But while they made their appearance in the central counties, at this period they did not pursue violent methods. The Klan

The Convention being the child of the controversy between Congress and the President, against whom proceedings were instituted in March, had urged Congress on in its impeachment measures, and Governor Holden was active on the same line, declaring that a terrible civil war would result from the President's acquittal. Governor Holden, indeed, seemed always to be apprehensive of armed resistance to the congressional reconstruction acts. But the election passed off unmarked by notable incidents.

There was a new registration showing 117,628 whites and 79,444 negroes. The vote for ratification was 93,084, and against it only 74,015. The vote for the candidates for The election



Governor and State offices fell off a few hundred from these figures. On May 12 General Canby announced the result.

### **Impeachment of the President**

President Johnson's adherence to the view that it was for the President to recognize a state as being in the Union, brought him in direct conflict with Stevens and Sumner and their followers in Congress; and as the extreme faction in Congress had swept the North at the fall election of 1866, the purpose to impeach the President and displace him was persisted in. The investigation made by the Judiciary Committee furnished no basis for such action, so, on March 2, 1867, a bill was passed making it a misdemeanor to remove a Cabinet officer without the consent of the Senate. Senator Sumner said that the purpose was to prepare the way for the impeachment of the President. President Johnson removed Secretary Stanton, and on March 5, 1868, articles of impeachment were presented against him. The trial opened March 30 and closed May 26. Senator Sumner, in giving his opinion, sitting as a judge in the Senate Chamber, used the following elegant and chaste language, indicating at once his animosity toward both the President and the Southern people, and the level of his daily life: "This is the last of the great battles with slavery. Driven from these legislative chambers, driven from the field of war, this monstrous power has found refuge in the Executive Mansion, where, in utter disregard of the Constitution and laws, it seeks to exercise its ancient, far-reaching sway. All this is very plain. Nobody can question it. Andrew Johnson is the impersonation of the tyrannical slave power. In him it lives again. He is the lineal descendant of John C. Calhoun and Jefferson Davis, and he gathers about him the same supporters. Not to dislodge them is to leave the country a prey to one of the most hateful tyrannies of history, especially is it to surrender the Unionists of the rebel states to violence and bloodshed. Here in the Senate we know officially how he has made himself the attorney of slavery, the usurper of legislative power, the patron of rebels, the helping hand of rebellion, the open bunghole of the

May, 1868

Imp. Trial,  
III, 247

Biog. Hist.,  
IV, 228

treasury, the architect of the whiskey ring, the stumbling block of all good laws by wanton vetoes, and then by criminal hindrances."

A year earlier the Southern States had ratified the Thirteenth Amendment, and had abolished slavery! And it is to be particularly noted that Senator Sumner affirmed that the slave power "had been driven from these legislative halls." In the fullness of his anger, he told what was virtually the truth. By the negative vote of Senator Fessenden and half a dozen other Republicans who were relied on to stand with Stevens and Sumner, but who could not find it in their consciences to do so, the impeachment failed. A change of one vote from the negative to the affirmative would have given the malignants victory. While many Southern men had but slight regard for President Johnson, as he had deserted his people in their hour of need, and had organized forty regiments of Tennesseans for the Federal Army, yet there was general relief and rejoicing felt at the South at this failure of the malignants to displace him. Indeed, while their defeat in no wise changed the attitude of the conquerors to the people of the conquered territory and was followed by no alteration in their policy, their victory would have been a sad blow to constitutional government in this country, and would have been attended by direful calamities. No better service ever was rendered by a Republican to his country than that rendered by Senator Fessenden and his associates on that occasion.

The President saved

#### **The Southern States admitted**

The presidential election was approaching and as the Republicans had planned to buttress their party in power by the aid of the Southern States under negro domination, the situation admitted of no further delay. Already the constitutional conventions had been held by the negro element and their allies, and the constitutions had been submitted to Congress. On June 25, the final step was taken. An act was passed admitting North Carolina and five other Southern States to representation, and on the same day the political disabilities of some seven hundred Republicans, citizens of

July, 1868



July, 1868

Holden in-  
stalled as  
Governor

North Carolina, were removed. There was much rejoicing among the faithful. The conditions imposed in the act were that the legislatures already elected should ratify the Fourteenth Amendment, that the constitutional provisions giving suffrage to the negroes should never be changed, and that no person banned by the proposed Fourteenth Amendment should hold office before his disabilities were removed by Congress. Under the act the governors-elect were empowered to convene the legislatures at once. While President Johnson vetoed this bill because it was in conflict with his own reconstruction program, yet it was a foregone conclusion that it would be passed over his veto; and so, without waiting for the event, Governor Holden, as Governor-elect, issued his proclamation convening the Assembly on July 1; and General Canby directed Chief Justice Pearson to take the oath of office before a United States Commissioner, and to swear in Governor Holden. On June 30, by General Order No. 12, he appointed Governor Holden "to be Governor of North Carolina, vice Jonathan Worth removed;" to take effect July 1.

Worth's  
attitude

Judge Pearson at once notified Governor Worth that he would swear in Governor Holden the next day, and Governor Worth realized that the government ordained by the whites in 1865, under the direction of the President, was about to be overthrown. He informed Chief Justice Pearson that he would probably decline to surrender his office: but during the day, learning of General Order No. 12, he addressed a communication to Governor Holden in which he stated that while he did not recognize the validity of his late election, he would yield the office. "You have no evidence of your election save the certificate of a major-general of the United States Army. I regard all of you as, in effect, appointees of the military power of the United States, and not as deriving your powers from the consent of the governed. I surrender the office to you under what I deem military duress without stopping to comment on the singular coincidence that the present State government is surrendered, as without legality, to him whose own official sanction but three years ago proclaimed it valid."

### The Assembly

The Legislature met July 1, Lieutenant-Governor Caldwell presiding in the Senate. The credentials of ten members of the Senate were laid on the table, as these senators would be banned if the Howard Amendment should become a part of the Constitution. In the House, likewise, ten members elected were held to be banned. The House, by a vote of 73, chose Joseph W. Holden Speaker over Plato Durham, who received 24 votes. The Speaker, a son of the Governor, was a young man of real brilliancy. His poem on Hatteras is remarkably fine. The House elected as clerk John H. Boner, who later became distinguished as a poet. In the Senate were thirty-eight Republicans, of whom seven were negroes, and three carpetbaggers. In the House were eighty Republicans, of whom sixteen were negroes and an equal number carpetbaggers. The first question that arose in each House was as to seating the members alleged to be banned. They were not banned by any North Carolina law, nor as yet by any provision in the Constitution of the United States; but in the act of Congress providing for the admission of the State to representation in Congress, it was required that no person prohibited from holding office by the proposed Fourteenth Amendment should be deemed eligible unless relieved from disabilities as provided in that Amendment, that is by congressional action. Governor Holden was hotly urgent that the Legislature should adopt the Howard Amendment and observe that prohibitory law; and while he desired that the disabilities of all Republicans should be removed, he strongly opposed relieving the disabilities of any citizens who were not coöperating with him politically. Both branches of the Assembly concurred in his views, and the Fourteenth Amendment was at once ratified. However, several Republicans in each House considered that all persons elected to office ought to have the ban removed and be allowed to qualify in accordance with the State Constitution: but this was not agreed to. Those originally made to stand aside were, in the Senate: Joshua Barnes, William A. Allen, John W.

The organi-  
zation

The con-  
tested seats



Purdie, Josiah Turner, John M. Lindsay, William B. Richardson, Peter A. Wilson, Edmund W. Jones, William M. Moore and W. L. Love; in the House: T. A. Nicholson, G. F. Davidson, Walter Brown, J. C. Harper, W. W. Grier, N. S. Stewart and Joseph Keener. Several of these were later seated and the seats of the others were declared vacant.

There seldom has been a legislature assembled to make laws for a people so little calculated to bring about useful results as that of 1868. The members had had no association with each other. Many were not in sympathy with the people, nor had they any ideals that might have been for the advantage of the State, or visions that animated them to promote the general welfare. Strangers to each other, and with but little acquaintance with the affairs committed to their charge, it was a heterogeneous assemblage that must necessarily have proved weak in useful performance. But in each house were some men of ability. Among the Representatives were Thomas J. Jarvis, James L. Robinson, Thomas M. Argo, John Gatling, Plato Durham, J. R. Ellis, Philip Hodnett, R. P. Matheson, Frank Thompson, W. B. Ferebee, W. W. Boddie, E. W. Poi, Joseph C. Abbott, L. G. Estes, Joseph W. Holden, Byron Laflin and others of strength and resolution. In the Senate the personal influence of Lieutenant-Governor Caldwell, James W. Osborne, William M. Robbins, C. S. Winstead, W. A. Moore, W. H. S. Sweet, C. H. Brogden, W. L. Love, John W. Purdie and others was felt, and the general tone was more conservative than in the House, where Abbott and Estes were the dominating spirits.

Governor Holden desired to be inaugurated as Governor on the 4th of July, and the Legislature made provision to that end. The ceremony was on a platform erected in front of the Capitol, and was attended by a vast crowd, embracing many negroes. Addresses were made by Judge Reade and Lieutenant-Governor Caldwell: and there was an abundance of viands. It was a Republican jubilee. Among the most important of Governor Holden's declarations was his reference to the opposition manifested by the Conservative element of the State, and his assertion that his govern-

The personnel

July 4

ment would be administered by its friends and would be sustained by force.

The Legislature soon addressed itself to making necessary laws conforming to the alterations in the State Constitution. Among the members were some who were competent and efficient. Seymour from New Bern, and Pou from Johnston were, perhaps, the most competent of all. Among the acts passed were those making every county and township corporate, and prescribing the duties of county officers: declaring vacant all municipal offices, and authorizing the Governor to fill the same by appointment, until there should be elections; and the Governor was authorized to appoint to all vacancies. Provision was made for laying off the homestead and personal property exemption, for a mechanic's lien, for limiting capital punishment to willful murder and rape. The Code Commission appointed by the Convention having made a report, the Code of Civil Procedure was adopted: suits were to be brought before the Clerk of the Superior Court, and other changes in practice were instituted.

Changes in  
laws

The Code

Three weeks after the session opened an act was passed providing for the immediate installation of the officers elected under the new Constitution. Here and there, there was some objection by former officials who were thus to be replaced: but the change from the old to the new system of government may be fixed about the first of August, 1868. About the same time all the municipal officers throughout the State were replaced by appointees of the Governor, until new elections should be held. Provision was made for building a penitentiary, and to aid the Chatham Road, and other roads, and an act was passed to cut the Western North Carolina Railroad into two divisions, with an appropriation of twelve million dollars for the completion of the Mountain Division.

Official  
changes

### **The State admitted**

The action of the Legislature in ratifying the Fourteenth Amendment was in its results memorable. It fulfilled the conditions imposed by Congress: and the State became en-

The new  
State



titled to representation in Congress. The members of Congress already chosen were early in July admitted, as later were the senators elected, Gen. J. C. Abbott and John Pool. It was the final step in the revolution. Old North Carolina had passed away and had given place to a new creation in which the elements were so blended that the result was grateful to the malignants who represented Republican constituencies in Congress. It seemed to assure them of indefinite control of the Federal government.

Littlefield

The Governor was now busy putting into effect his announced policy that every office should be filled with his friends and supporters. While, doubtless, most of the members of the Legislature were men of integrity, yet there were some who saw the opportunity presented to make money and sought to avail themselves of it. Milton Littlefield, who had been an officer in the Federal Army in connection with the negroes on the coast of South Carolina, early appeared at Raleigh and soon became a manager of affairs. While Governor Holden was to exercise the power of being at the head of the Union League, Littlefield became its ostensible head. He bought the *Standard* from Governor Holden, probably at the price of \$30,000, as he applied to the bank at Raleigh for a loan of that amount for that purpose, and obtained the contract for the public printing that yielded \$20,000 a year. He established a free bar in a convenient room on the second floor of the Capitol building, where whiskey, brandy, wines, sugar, lemon and ice were served by an adept mixer of drinks to all who claimed his friendship, and so he drew around him a group of men who readily fell into his plans. Governor Holden replaced the State directors in the railroads and public institutions by new appointees. George W. Swepson, a man of wealth, a leading director of the Raleigh National Bank, perhaps the only bank then in the State, had, it is said, voted for Holden, and was in sympathy with the administration. It was desirable to utilize his cash. He was offered the presidency of the Western Division of the Western North Carolina Railroad, and later, on October 15, pursuant to the arrangement, Littlefield, who held the State's proxy, elected him.

Swepson

Mr. J. J. Mott, who had been president of the whole road, now retained the presidency of the Eastern Division. Such was the first step Littlefield had in view.

### The Northern Democrats

The opposition of President Johnson and of the Democrats to the action of Congress had been positive. On June 30, Gen. Frank P. Blair, who had commanded a corps in Sherman's army of devastation, wrote a letter to Colonel Bradhead, declaring: "There is but one way to restore the government and Constitution, and that is for the President-elect to declare these (reconstruction) acts null and void, compel the army to undo its usurpations at the South, disperse the carpetbag state governments, allow the white people to organize their own governments and elect Senators and Representatives."

And when the National Democratic Convention met in New York a few days later, all the states being represented, among the resolutions was "and that we regard the reconstruction acts of Congress as usurpations and unconstitutional, revolutionary and void." And on this platform on July 9, Governor Seymour of New York was nominated for President; and General Frank P. Blair received the unanimous vote for Vice-President. The Democratic party proposed to overthrow the Stevens reconstruction. Such was the feeling and purpose of the Democrats at the North when the Legislature, on July 2, hastened to ratify the Fourteenth Amendment. Two-thirds of the states had now ratified, and the question of the legal adoption of that amendment had to be met by the Johnson administration. Secretary Seward who had stood with Lincoln in devising the presidential plan, and with Johnson in carrying it out, pursued a safe course. On July 20 he announced the Fourteenth Amendment ratified by 29 states, being two-thirds of the entire number, 37 states; but he also announced that there was a doubt, which he was not authorized to decide, for Ohio and New Jersey had withdrawn their consent, and as to the six Southern States, he mentioned the ratification by the "newly-constituted and newly-established bodies

Their actions

The Fourteenth Amendment

Seward's dilemma



Statutes at  
Large, XV,  
707

North Caro-  
lina's vote

Holden  
alarmed

House Jour-  
nal, 85

Holden arms

avowing themselves to be and acting as the legislatures respectively" of North Carolina and the others. He counted them in, having no authority to resolve the doubt as to whether the "newly established bodies avowing themselves to be legislatures" were legally so or not! So the vote of the North Carolina Assembly gave vitality to the Fourteenth Amendment against the protests of the large majority of the white people of the State who regarded it as a disgraceful outrage to inflict this punishment on the leading and most honored citizens of the State, for depriving a citizen of the right to hold office is a punishment. Because of these actions Governor Holden took alarm. He and his coterie of friends saw rebellion in the Conservative platform. They knew, as their government had been forced on the great majority of the whites against their consent, that it would be replaced with avidity whenever practicable. The Conservatives, however, were under the leadership of Graham, Bragg, Worth, Thomas Ashe and men of that stamp, who had no thought of forcibly overturning the government established by the Federal power, although desirous that the Federal government itself should undo what it had done. But when fear prevails, reason ceases: and Governor Holden took counsel of his fears, and the administration of public affairs received an unnatural coloring.

And now that the fears of the Governor were increased by the attitude of the President and Mr. Seward, and by the action of the Democratic National Convention, on July 17, he sent a special message to the Assembly, directing attention to the necessity of an immediate organization of a police force in each county. An act was passed originally entitled: "To provide for a State Police," but was amended "To organize a militia." The Governor was authorized to organize six regiments to be apportioned to the eastern, western and middle divisions, each being a major-general's department: and also to accept three battalions of cavalry and one of artillery. These forces were to be under the orders of the Governor. The races were to be kept separate: for one provision was: "The white and colored members shall be compelled to serve together." This bill was fiercely fought by the Conservatives: but without avail.

### The presidential election

In the meantime the presidential campaign had opened. There had been the usual county meetings throughout the State: and the people had been heartened by the attitude of the administration and the declarations of the National Convention. As if to check this rising enthusiasm, Chief Justice Pearson threw himself into the campaign in an open letter urging the whites to support the Republican party and its nominees, Grant and Colfax, saying that two other members of the court concurred with him. This action was regarded as a shocking departure from the traditions of the judiciary: and was roundly denounced by those who resolutely opposed negro suffrage: and it added to the political turmoil throughout the states. In the counties there was much excitement, which was intensified in the places where the newspapers circulated. And only the stifling heat of those fierce August days was comparable to the political heat that raged in the little town of Raleigh with its seven thousand inhabitants when the party conventions held their sessions there. More than a thousand enthusiastic delegates poured in for the Conservative Convention, over which Col. Robert H. Cowan of Wilmington presided. The principal address was made by Governor William A. Graham, while young James C. Dobbin, of unusual oratorical powers, and others, stirred the hearts of the great assemblage where were gathered the best of the leaders of thought and of action from every part of the State. While the platform declared the acceptance of the legitimate results of the war, it denounced the congressional reconstruction, the election of carpetbaggers, the extravagance of the Republicans, and particularly the militia bill as an unconstitutional measure designed for party purposes: and it called on all the conservative people in the State to stand together for good government. James W. Osborne of Charlotte and Joseph J. Davis of Louisburg were presented as electors at large, and a State Executive Committee, composed of a member for each district, was chosen: while the general management was conferred on a resident committee on which were

Pearson's  
letter

The Con-  
servative  
Convention

The plat-  
form



The executive committee

Richard C. Badger, D. G. Fowle, A. S. Merrimon, Seaton Gales, Bryan Grimes, E. G. Haywood and Moses A. Bledsoe. As theretofore, the former Secessionists were not prominent; the former Whig and Union men were leaders in appealing to the people.

The Republicans

The challenge was met with Republican spirit. At once the Union League was convened at Raleigh and Milton Littlefield was elected Grand President and H. J. Menninger Secretary. But as the whites had generally abandoned that organization, efforts were made to give renewed vitality to the Heroes of America, "The Red Strings," Holden's followers in his efforts to overthrow the Confederate government. But the action of the Conservatives demanded more than consolidating the negroes and the Red Strings. The temper of the whites was alarming. The nerves of the Assemblymen were unstrung. Hastily, on August 20, the Legislature made answer in a resolution:

The legislative declaration

"Whereas the President of the United States has taken upon himself in a late proclamation to speak of the lawful governor of the sovereign State as a man 'who writes himself Governor'; and, whereas Governor Worth, in a deliberately written protest, declared that he did not recognize the validity of the late election," and, quoting the Democratic resolutions both National and State, and declaring "that the public press and mass meetings and public speakers uniformly approve and indorse the action of the State Convention. . . . It would declare that the government of the State is rightful and valid, and it is the duty of the several departments of the government to coöperate in sustaining it, and to put down insurrection and rebellion, and if necessary, to call on the government of the United States for assistance and support." Four days later, in the last hours of the expiring session, this was followed by an act to suppress insurrection and rebellion.

Arms supplied by Vermont

But as the militia were without arms, the Adjutant General, A. W. Fisher, one of the most determined carpetbaggers, secretly arranged with the Governor of the State of Vermont for that State to supply three thousand muskets and two thousand equipments, a proceeding that rather in-

flamed than assuaged the opposition to the new government. Then, as the Legislature was adjourning the Republican members, 88 in all, submitted an address prepared by John Pool and Judge E. G. Reade, that was the most incendiary document ever published in North Carolina. At that time the industrial relations of the races were as they had been since emancipation. Every negro who would work could get employment. There was no earthly basis for the suggestions in the address, calculated and intended to inflame the negroes, and to inaugurate a campaign of murder and arson. "Did it never occur to you, ye gentlemen of property, education and character—to you, men, and especially ye women—who never have received anything from these colored people but services, kindness and protection—did it never occur to you that these same people who are so very bad, will not be willing to sleep in the cold when your houses are denied to them, merely because they will not vote as you do: that they may not be willing to starve, while they are willing to work for bread? Did it never occur to you that revenge, which is sweet to you, may be sweet to them? Hear us, if nothing else you will hear, did it never occur to you that if you kill their children with hunger, they will kill your children with fear? Did it never occur to you that if you good people maliciously determine that they shall have no shelter, they may determine that you shall have no shelter?" Apparently, those who could make such appeals had but little in common with North Carolina manhood.

The Republican address

The effort to incite negroes

Governor Holden, who, with all his supposed astuteness, was almost invariably wrong with regard to the white people of his native State, well knowing, however, how nauseous and intolerable was the bitter cup he had been instrumental in putting to their lips, was apprehensive of some physical attempt on their part to subvert his government. But as the Conservatives were following the lead of Bragg, Graham, Thomas Ashe, W. N. H. Smith, Merrimon and Worth, no matter how thoroughly they might agree in the sentiments expressed in Governor Worth's protest, and no matter how truly they hoped and sincerely they prayed for

Holden



the success of Blair's plan of Southern redemption, yet there was no possibility of their being drawn into rebellion.

Shipp Fraud  
Com. Rep.,  
316

The "Work"  
editorial

The negroes  
to arm

General  
Abbott ad-  
vised

The Republican Convention was to meet September 16, and it is notable that on September 15, Swepson furnished Littlefield with \$4,000. It was announced that Judge Reade would be president of a great mass meeting, Judges Dick, Rodman and Settle, vice-presidents, and Judge Tourgee, the grand marshal, but the native judges eventually did not serve. The speeches were very inflammatory. The *Standard*, too, at this period very much in line with the Pool and Reade address, closed the Convention with an editorial entitled "Work." "But whatever else you work, don't forget to work among the women. . . . Go after the women then. They will make their husbands and their lovers shout for Grant and Colfax until they are hoarse, if you will manage to replace some of the diamond rings and laces Frank Blair stole from them when he was here; and don't hesitate to throw your arms around their necks now and then, when their husbands are not around, and give them a good———. They all like it," etc., etc., getting worse and worse to the end. The effect of this editorial was both startling and lasting. Governor Holden, ever apprehensive, and deeming it safest to "inspire a salutary terror" among the whites, asked that Federal troops should be stationed as he would indicate; but without avail. And as the election approached, the *Standard* urged the Republicans to arm themselves and drill for the 3d of November. The negroes marched at Wilmington with military precision and called themselves "Tanners" in memory of General Grant's one-time occupation. There the inflammatory speeches of General Abbott and G. Z. French were boldly met by a committee who informed General Abbott that they did not propose to be in a bloody conflict with negroes, but on the first outbreak they would hang him to a lamppost. The election passed off without any disturbance in any of the negro counties. Grant receiving 96,603 and Seymour 83,763, and all the Republican candidates were elected except two. The Conservatives elected Frank E. Shober in the Salisbury District and it appeared that Plato Durham was

elected by the returns, but later the certificate was given to A. H. Jones, a Republican of Buncombe.

In the Union at large Grant, the successful general, had swept the country and if the Republican governors in bringing on the war in 1861 had served their purpose of strengthening their political party, the radical element in Congress had now likewise accomplished their purposes and their partisans were to be in complete control of the government.

### Holden's recommendations to the Legislature

The result after the presidential election was cause for great rejoicing among the Republicans, and the Conservatives were correspondingly depressed, as they had hoped for much from the North and suffered a grievous disappointment. The future had no promise of any change. Republican reconstruction was a finality. Thus it was when the Legislature met on November 17, in its first regular session. Governor Holden now at considerable length repeated in substance his former general recommendations as to education and other State matters. He pressed for the organization of the militia and said: "A considerable quantity of arms with necessary equipments and ammunition has been procured without cost, save for transportation. The government is in the hands of its friends and will be administered by them." But he remarked: "Society is peaceable and tranquil. There is no ground for apprehending that the peace of the country will be disturbed. There has been rich harvests with good returns."

Nov., 1868

The Governor was insistent on maintaining the credit of the State; but pointed out that over a million dollars had to be provided for interest, and additional taxes were necessary. While he generally urged internal improvements, he specially desired the completion of the Mountain Division of the Western North Carolina Railroad. Elections had been held to fill the vacancies in the Assembly, and among the new members were John W. Graham in the Senate, and in the House G. Z. French, W. H. Malone, W. P. Welch and Augustus S. Seymour.

Leg. Doc., I,  
68, 69, 12



Internal im-  
provements

Shipp Fraud  
Com., 201,  
202

"New North  
Carolina"

Acts, 1868,  
1869, 688

The first  
protest

While addressing itself to the ordinary affairs that were incidental to the novel situation and condition in the State, the Legislature responded with alacrity to the Governor's recommendations concerning internal improvements. General Littlefield and his particular friends were now ready for their operations. They had mapped out a plan. Certainly North Carolina was suffering for the want of transportation facilities, and the general improvement was so much desired that but few could withstand the temptation to fall in with the movement to improve conditions. With Littlefield were associated Deweese and Laffin, and these as a triumvirate, largely dominated the membership. To carry out their purposes many railroads were projected, local support for each being stimulated with great adroitness. To these enterprises the State was to contribute by taking stock, which was to be paid for with bonds. But ten per cent of all bonds issued was to be paid to the ring. Swepson had already received several millions of bonds issued under the previous act: but it was found that they were unconstitutional; for the Constitution required that in every act authorizing bonds for a railroad, a special tax should be imposed to pay the interest, and the provision had been overlooked. Littlefield had told him that all who were to get bonds had to pay the ten per cent, and he agreed to that.

It is not to be understood that every member was lacking in patriotism or in integrity. But the task was easy to present measures in such colors as to obtain acquiescence, and the improvement of conditions was an object that no one could antagonize. The past with its woes, disasters and sufferings was behind them: the future opened invitingly to new ideas, new measures, new policies, and a new North Carolina was a watchword of great potency.

But hardly were the members warm in their seats when a firebrand was thrown into their midst. On November 30, Mr. Sweet, the Senator from Craven, a Northern newcomer, introduced a resolution: "Whereas rumors are current that members and others have been guilty of corrupt acts, levying blackmail, accepting bribes, using and receiving money

for votes, involving large appropriations, and it is a common saying that to have anything passed, money must be paid for it; a committee of investigation should be raised." This, having passed the Senate unanimously, in the House was hotly fought. At first, by a single vote a substitute was adopted: but on reconsideration the original was restored and agreed to. Mr. Sweet was bitterly attacked by the *Standard*: and A. H. Galloway, the negro leader, moved that Mr. Sweet, who had been appointed on the committee, should be displaced. The vote on that was a tie; but Lieutenant-Governor Caldwell voted against it and Sweet was retained. Then came an investigation of a fraud practiced on the State in the alleged purchase of a site for the penitentiary, by which a man named Pruyn pocketed nearly one-half of the appropriation and went home northward.

House  
Journal,  
52, 54, 57

Senate Jour-  
nal, 41, 46

About the same time, early in December, Josiah Turner, who had been denied his seat as a Senator, bought the *Sentinel* newspaper, and his entry into journalism marked a new era in State matters. The Conservative leaders had been quiet spectators of proceedings they could not halt. The Republicans were in the saddle. Those in opposition were held as rebels. Turner was a man of his own kind. He loved to be in a storm. Audacious, fearless, ingenious in argument, turning batteries of ridicule on his opponents, he gave a color to the times that has never been approximated. His volcanic temperament now found an open field.

Turner be-  
gins

His salutation was: "Yes, we have a new North Carolina, and every true son of the State hangs his head in humiliation and sorrow.

"In the gubernatorial chair, a man rejected and flouted over and over again by the people of old North Carolina. In the judiciary, montebanks, ignoramuses and men who bedraggle the ermine in the mud and mire of politics! In the offices of State, mercenary squatters and incompetents. In the legislative halls where once giants sat, adventurers, manikins and gibbering Africans."

Dec. 10,  
1868



**Financial conditions**

The year 1868 had opened with a woeful dearth of currency. As every manufactured article had to be imported into the State and gold being at a premium of thirty per cent, labor and all manufactures were high, and such cash as the inhabitants received was rapidly absorbed in living expenses and in replacing what had been worn out in previous years. In 1866, flour at Wilmington sold for \$20 a barrel, and prices still were abnormal, while cotton was low, being at Liverpool in December, 1867, but eight and one-half pence.

While there had been more than twenty banks in the State that could issue currency, they had all suspended through the effects of the war, and the Bank of North Carolina went into bankruptcy, the State losing its large investment in that institution.

The act of Congress imposing a ten per cent tax on the currency of State banks virtually prohibited the reestablishment of State banks; while other limitations in that act prevented the organization of such national banks as were needed. One national bank of issue was, however, allowed for Raleigh, and only four or five more elsewhere at the South. Thus at a time and under conditions when the North should have sought to be helpful in diffusing prosperity and happiness throughout the South and in reestablishing industry and organizing society on a substantial basis, Congress denied to the Southern people the necessary facilities for recuperation.

The necessity of some congressional action was so clear that the Senate of the United States passed a bill making a provision for providing a national bank circulation to the Southern States, and "the extreme necessity of such a circulation in this State being obvious to every one," the Legislature on August 24, 1868, passed a resolution urging the passage of such a measure by Congress: but the request was unheeded.

But the men who controlled the House were of the type who had never regarded the interest of the people of the Southern States and now when they had been unwillingly

forced back into the Union and every reasonable consideration should have led the government to quickly diffuse happiness among them, they were treated as objects of malignity.

The common schools that had been closed in 1865 remained unopened. Here and there through aid furnished by various charitable organizations at the North some primary schools had been taught along with those that had been under the supervision of the Freedmen's Bureau, but the Bureau itself closed all operations at the end of 1868.

The schools

In 1866 Wake Forest again began life. There were three teachers, Dr. William Royall, his son, W. R. Royall and Dr. William G. Simmons. Before the close of the year, sixty boys had entered, these being chiefly boys who had been in the army as soldiers. And by 1868, the number had considerably increased.

During that year, Davidson College reported 122 students and Trinity 142. In the central counties some local academies reported 309 pupils. The Friends had 44 white schools with 3,123 students; and colored schools with 2,475.

At Wilmington Miss Amy Bradley had a school for whites attended by 300. There were negro schools with 750.

At Raleigh were negro schools under the American Missionary Society with over 300 pupils, and Mr. Tupper's private school where 250 negroes were taught.

The University had closed its doors. Under the provisions of the new Constitution, the State officers formed the Board of Education: and that Board elected one trustee for each county. These trustees, with the Board of Education and the President of the University, formed the Executive Committee. The Governor presided. Now Governor Holden had his opportunity; the institution felt the effect of his disapproval. On July 23, 1868, the trustees met, and Governor Swain was invited to attend. He supposed it was a recognition of his being President of the University: but it was a mere courtesy. He was not regarded as the President. He felt it as a cruel blow. On the 11th of August while riding with Professor Fetter he was thrown from his buggy, receiving such a serious shock that he never re-



covered from it. He died August 29. He had had a most honorable and useful career, and was regarded as one of the most eminent citizens of the State. His heart and soul had been for many years wrapped up in the University, and he had made it of the first distinction in educational work in the whole South.

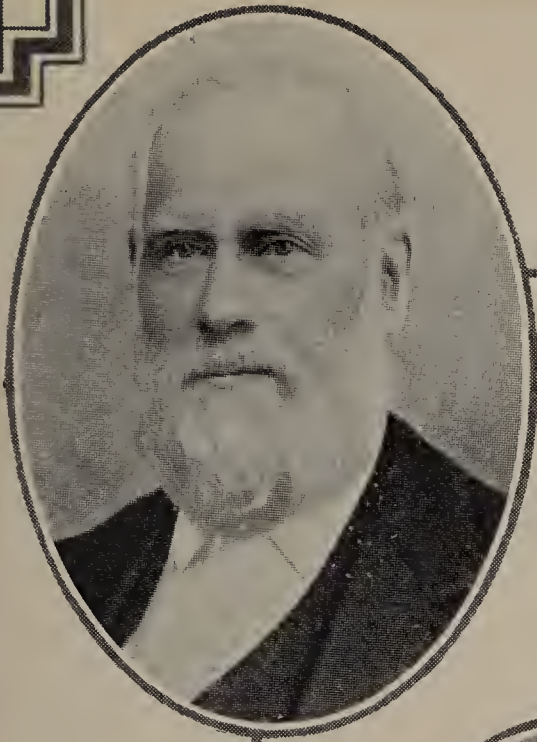
Solomon Pool

At the meeting of the Executive Committee on January 1, 1869, Rev. S. Pool was elected President: and the University received some students of both races. At the opening of the session three entered, but later the number was slightly increased. But eventually the institution was closed.

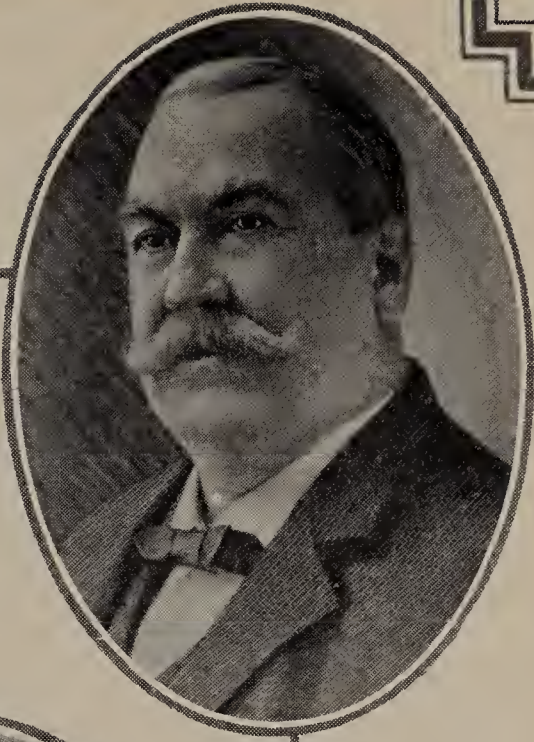
The  
railroads

The conditions in 1868, three years after the close of the war, can be seen from the annual report of the Wilmington and Weldon Railroad, the most prosperous road in the State. "If there had been good crops and good prices the receipts would have been larger." The property of the road cost \$3,061,000, of which \$700,000 had recently been borrowed and applied to rebuilding and repairing the property, leaving only \$2,300,000 as original cost and improvements. "At first through travel was the great source of income; but as the country began to develop local travel and freight began to increase and are now the largest source of income." In 1868 the management looked forward to "trucks, fruits and grapes." That year the road had carried 12,000 barrels of trucks and fruits. "The country wants a more rapid transit in exchange of products than is given by water transportation. The southern roads are making constant inroads on the freights heretofore carried by the coasting vessels. In the early history of this road the officers did not wish freight: took it more for the accommodation than for profit. . . . The introduction of the 'T' rail and now of the steel rail makes the difference. . . . The great decrease in travel, local as well as through, is only one more indication of the great poverty of our people. The fruit and truck traffic was inaugurated April, 1868, on the passenger trains. The coming season it should be ten times as large, say 120,000 barrels, bringing to the growers a million dollars for garden truck, peaches, apples, strawberries, etc., which will greatly relieve them from their

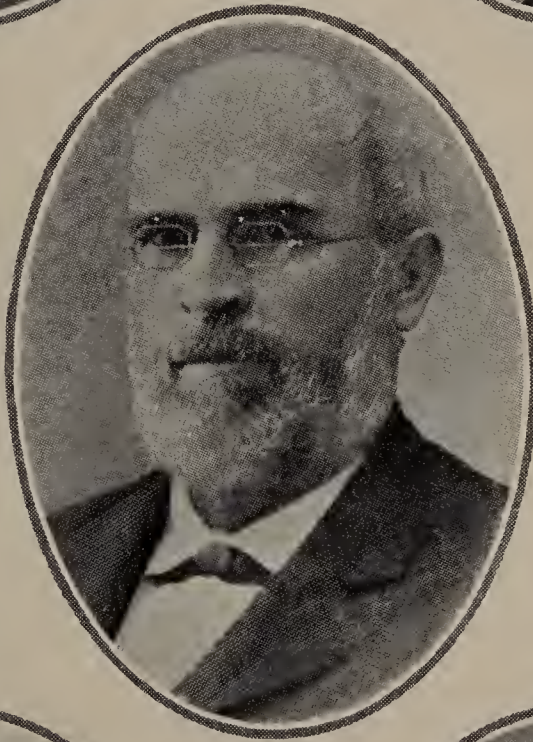




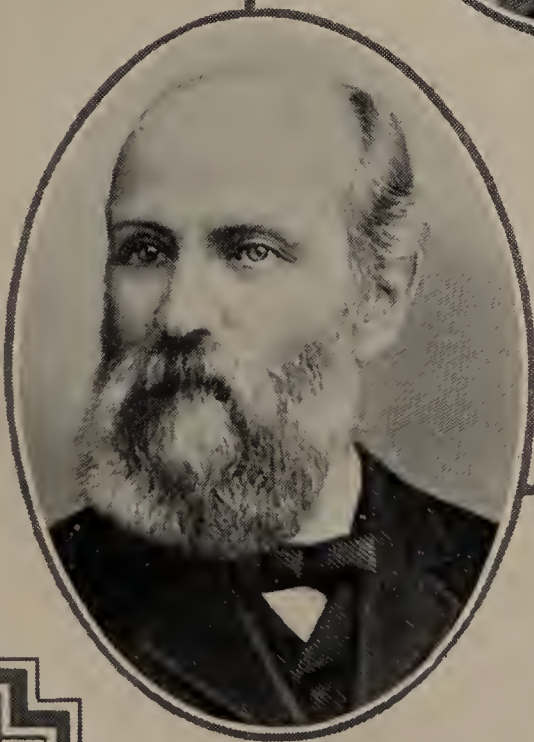
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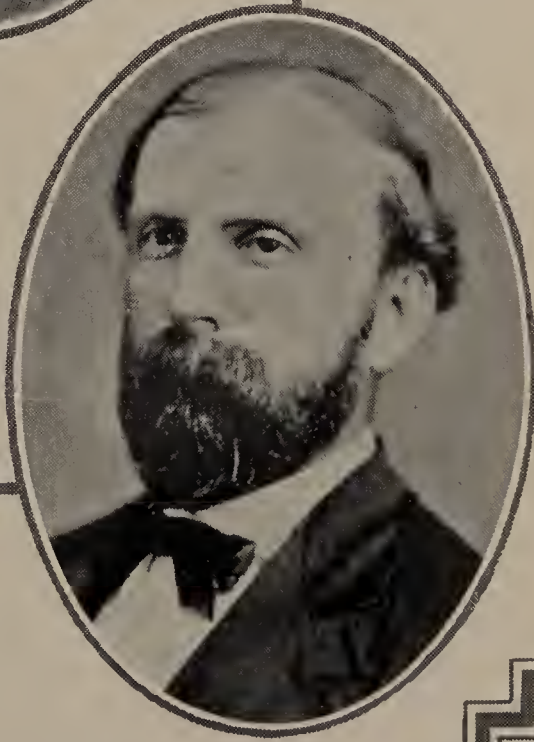
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3



4



5

1. William J. Hawkins

3. Robert R. Bridgers

2. Alexander B. Andrews

4. James Wilson

5. John C. Winder





present depression." Such were some of the beginnings of the new life.

As the year was drawing to its close, the future offered but little hope for improved conditions, but Andrew Johnson was still President and he signalized Christmas Day with a proclamation of amnesty and pardon for all who had been engaged against the government during the war. Doubtless that brought some relief to those amenable to prosecution.

Amnesty

Statutes at  
Large, XV,  
712



## CHAPTER LXIV

### THE REPUBLICAN LEGISLATURE

The financial disaster.—The spoils.—Turner's warfare.—New legislation.—The Fifteenth Amendment.—The bar cited for contempt.—The bonds decline.—The plan to bull them.—The disaster.—Race troubles.—The Assembly meets.—The Governor stands by the bonds.—The excitement.—The conservatives aided by Pou and Seymour.—The Governor reports outrages.—Shoffner's bill.—The Bragg commission.—The bond legislation repealed.—Littlefield defeats investigation.—The bonds outstanding.—The Woodfin committee on Western North Carolina Railroads.—Swepson and Littlefield.—Death of Worth, Ruffin, Bryan and Bedford Brown.

#### The spoils

Jan., 1869

Sentinel,  
Jan. 13 and  
19, 1869

Shipp  
Fraud Com.  
Rep., 221

Ibid., 316

Ibid., 202-4

The bonds

When the Legislature met after Christmas and Sweet's committee entered on its work, Littlefield disappeared. The committee reported that the witnesses would not attend and asked to be discharged. At once Turner in big letters offered \$50,000 reward for Littlefield, to be paid in Confederate money. And with regard to the penitentiary affair in large, black letters he began: "Oh! the Thieves. Oh! the Perjury. Oh! the Loyalty. Oh! the Penitentiary," etc., etc. But the committee being discharged and the danger over, Littlefield returned, and his affairs prospered to his heart's desire. By January Swepson had paid to the ring and its order \$75,000, and during the session \$170,000 more: and the ring received in bonds, as its share of the plunder, \$633,000. Much of these spoils, however, went to pay their lieutenants and coadjutors: Abbott, French, Estes, Foster, Tourgee and others. Littlefield was merely the fountain through which the stream flowed. While it was given out that no bill could pass without an agreement for ten per cent, yet the agreement was not always made by the president of the company, but sometimes by those who expected to profit by the appropriation. Thus we find agreements on behalf of companies not yet chartered, for railroads of which the public knew nothing, corporations created merely to sup-

port appropriations: and agreements were made on behalf of companies whose presidents, being Democrats, were to be ousted so that Republican successors could be substituted. The bonds authorized to be issued that session footed up to \$25,350,000; while several millions more had been authorized at the previous session and by the Convention. In some instances where the State authorized subscriptions a prerequisite was subscriptions by private persons to a certain amount. The usual course in regard to that was for such subscriptions to be made and paid for by a check. Thereupon the way was open for the issue of the bonds. That the check was worthless made no difference. Swepson got his bonds first, in January, 1869; the bonds for the other companies were delivered when they were prepared. At the opening of the year these bonds were quoted on Wall Street at about sixty cents: before the Legislature adjourned they had fallen to about fifty-five cents. During the session, as bill after bill came up, leading Democrats and the public press denounced the whole proceeding, questioned the validity of the Legislature, which had not been elected in conformity with the provisions of any State Constitution, neither the old nor the new one, and denied its right to bind the people; and likewise pointed out that the interest would never be paid. Particularly was the constitutional limitation of the power to tax, which had been one of the inducements for the adoption of the Constitution, dwelt on with vigor and vehemence: but all opposition was unavailing. In the House, E. W. Pou patriotically led the Republican opposition: while Plato Durham voiced that of the Democrats; and in the Senate, Mr. Sweet stood firm.

Shipp Fraud  
Com. Rep.,  
401

Ibid., 212,  
216

The contest  
begins

Senate Jour-  
nal, 77

### The trouble in the counties

The Republican legislative address, stimulating the negroes to barn burning, had had its reasonable effect in the central counties, and there had been barns burned in Wake, Granville, Alamance, Person, Orange and other counties. And there the Ku Klux were more or less in evidence. Under the Detailed Militia Act, a force was embodied commanded by Captain Bosher, and on the 19th of February,

Leg. Acts,  
1868-69, ch.  
52



1869, an act was passed authorizing the Governor to employ such a detective force as he should deem sufficient, and appropriating sufficient money to pay the expenses. In March the Governor sent Captain Boshier and his men into Alamance.

Turner war-  
fare

In the meantime the *Sentinel* had been very open in assaults on the Republican leaders. Turner had nicknames for them all, and they withered beneath his lash. There never was such a mixture and medley of humor and serious charges, of expressions of stinging contempt and simulated courtesy. The *Sentinel* appeared in the afternoon, and the issue of March 23 contained a column article, as usual wandering around from the *Standard* and Littlefield, who had then returned, and the Governor, through many purlieus, until Dr. Menninger, the carpetbag Secretary of State, was reached. It closed, "One of the Holden family, a radical gentleman, who lived for years in the Governor's family, and who has as much character for truth as any man connected with the *Standard*, informed us that Menninger had on his parlor floor a carpet that was bought for the Capitol, and also had two cushions bought for the State. This gentleman informed us that a little negro girl took, or stole, if you please, some cake from the sideboard; and this cruel 'Yankee' gave her 'ipecac' to make her throw it up. Now, we ask Dr. Grissom, of the lunatic asylum, if it takes fifteen grains of 'ipecac' to make the child throw up the cake, how many grains will it take to make Menninger throw up the cushions and the carpet?"

Turner was at Smithfield court, and as he was returning the next evening, he was met at the station by Menninger and a crowd of irate men, among them Joseph W. Holden, the Speaker; and, being threatened, he drew a pistol and ordered them to keep away. He was arrested and taken to the Mayor's office where a riot almost ensued, the Governor leading in the affair, and Turner, always imperturbable, challenging the Governor, then and there, to a public discussion, which his Excellency in great heat declined. But if the administration had its supporters on hand, Turner had his friends likewise, and Sam Merrill afterwards became

known through life as the "monkey-wrench man," for, seizing that instrument, he prepared to wield it in Turner's defense. A few nights later Turner was shot at through the window of his office, but the attempt to assassinate was ineffective.

The Legislature, however, on April 10, passed an act imposing ten years imprisonment on any one who attempts to shoot another with intent to kill, and on the last day of the session it was made a misdemeanor to disguise oneself with intent to terrify a citizen, and, being so disguised, committing a trespass was declared a felony.

Leg. Acts,  
1868-69,  
Ch. 167

The State had an interest of \$400,000 in the Wilmington and Weldon Railroad Company that certainly was worth par, at least; but the necessities of the situation led to its sale by the Board of Education for \$148,000; and with that fund, together with \$100,000 lent by Swepson, the Treasurer paid off the legislators, and on April 12 they adjourned. The session had been a very busy one. Nearly three hundred acts were passed covering many subjects of importance. The system inaugurated by the Code of Civil Procedure was found unsuited to the conditions and suits were required to be brought at term time; and in several other respects the Code was amended. Provision was made for laying off the homestead and personal property exemption; and a mechanics' and laborers' lien was created, a landlord and tenant act was passed, and an act was passed facilitating the incorporation of private companies. A commission was appointed to erect a penitentiary at Raleigh, convicts being used in the construction. And other legislation was had to conform to the requirements of the new Constitution. On the 15th of March the Legislature passed a resolution ratifying the Fifteenth Amendment to the Constitution of the United States, declaring that the right of citizens to vote shall not be denied or abridged on account of race, color or previous condition of servitude. Naturally all the Republicans voted for it.

The session  
ends

Its work

The Fif-  
teenth  
Amendment



### The bar and Supreme Court

63 N. C.  
Rep., 389

A week after the Legislature adjourned, when the atmosphere was somewhat clear, there appeared in the *Sentinel*, "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs," signed by B. F. Moore, A. S. Merrimon, Thomas Bragg, Asa Biggs, Z. B. Vance, and 195 other members of the bar. "Never before," said the protest, "have we seen the judges of the Supreme Court, singly or en masse, throwing aside the ermine, rush into the mad contest of politics under the excitement of drums and flags." It spoke of "the humiliating spectacle now passing around us." The Supreme Court cited B. F. Moore, E. G. Haywood and Thomas Bragg before it. Mr. Moore disavowed any intention of committing a contempt of court, but on the contrary avowed his purpose to have been to preserve the purity which had distinguished the courts of the State. The rule was discharged: all of the attorneys similarly purging themselves except Judge Biggs, who moved to Norfolk; and about the same time W. N. H. Smith likewise moved to Norfolk. This proceeding of the bar, however, had a salutary influence on the public and a beneficial effect on those judges who valued the good opinion of respectable people; but there were some wearers of the ermine "who cared for none of these things."

### The unconstitutional acts

The scheme  
to bull the  
bonds

During the summer, in the cases of *Galloway v. Jenkins*, and *University Railroad Company v. Holden*, the Supreme Court held the issue of certain of the bonds to be unconstitutional. That somewhat affected the market value of the whole issue of bonds, and the summer brought a woeful situation. The interest on the State debt had not been met, and the credit of the State had suffered from that as well as from the large number of bonds authorized to be issued, so that the market price of the bonds declined. The railroad presidents then ceased selling outright, and began to borrow on them as a security, but the bonds continued to decline. At length, in September, a great effort was made

to restore their market value. It was given out that they would soon advance, and a combination was made to bull them. Swepson, Littlefield, A. J. Jones, President of the Western Railroad, Dr. Sloan of the Wilmington, Charlotte and Rutherford Railroad, and others along with Governor Holden and Treasurer Jenkins, had a meeting in New York and the details of the arrangement were agreed on. It was determined that they should go into a pool and use the bonds still on hand as a margin for loans, using the proceeds to buy in other bonds on the market. Certain other parties were to coöperate with them to make the movement lively and create the impression that there was an extensive and general demand for the North Carolina bonds. Laflin, Martindale, Moore and others participated. To give more color to the performance, Treasurer Jenkins was to advertise that the interest, long in default, would be paid on presentation of the coupons at Raleigh, the speculators furnishing the cash. Besides \$150,000 of the Educational Fund, derived from the sale of the Wilmington and Weldon Railroad stock, and \$125,000, the proceeds of a donation of land scrip by the Federal government for an agricultural college, were to be invested in the bonds. The operations were begun, but just as the speculation was beginning to work, a gold panic set in, and all sorts of stocks and bonds fell on the market: and in a few days the bonds were quoted at less than thirty cents, with no buyers and the ruin was complete. It was a Waterloo for the railroad presidents and disastrously involved Swepson who had entered into Littlefield's scheme with a large private fortune at his back. In October, Swepson therefore relinquished the Western Division to Littlefield, and the funds of that company were absolutely dissipated. The whole bond issue was lost. Neither the railroads nor the State derived any benefit or advantage from this railroad legislation: nor did Littlefield and his coadjutors realize the full measure of their expectations. But how much they profited from their well-devised schemes has never been ascertained. When the public became aware of these proceedings, the State was amazed and shocked.

It fails



### Race troubles

Adj.-Gen.'s  
Report, Doc.  
10, 1869, 70,  
p. 2

In Jones County there had been constant friction between the races. Members of the Union League had murdered a large number of persons. Three carpetbaggers of bad character had given much trouble. In May one of them, Sheriff Colgrove, who had served a term in the New York penitentiary, and a negro were shot and killed; several buildings were burned, and such excitement prevailed that the Governor sent Boshers' command to occupy the county. Quiet was restored, and after a month and a half the troops were withdrawn.

In Orange barn burning became rife, and a negro, as reported in the *Sentinel*, said it had been inspired by the Governor's attitude that the negroes must rule. Two barn burners were hanged on August 7, the bodies being placarded that it was punishment by the Ku Klux. Other hangings occurred. There were many whippings of negroes reported in Chatham.

1869

Hamilton,  
Recon., 478

Governor Holden, in his annual message, November 16, said: "The outrages are confined almost exclusively to counties in which the white and colored populations are about equal in number, or in which the whites have a small majority." The *Wilmington Journal*, voicing the Conservative sentiment of the State, had in a temperate editorial asserted that the conditions had resulted from the crimes of the Union League and the exemption of its members from punishment. "If the Governor will disband his Loyal Leagues all counter organizations will be broken up. . . . If our civil officers will act so as to deserve the confidence of the people, the old regard and veneration for the law will return, and when it does, Loyal Leagueism and its offspring, Ku Kluxism will be buried in a common grave." But in answer to this plain proposition Governor Holden, who was ever the controlling head of the Union League, said in his message: "Secret political organizations have existed and will exist always. It is not to be expected that we can get rid of them." He asked for an amendment of the law authorizing him to embody a white force to be employed at

his discretion. A month earlier he had threatened to declare Lenoir, Jones, Orange and Chatham in insurrection, and had asserted his right to declare counties in insurrection, and that the effect would be "to suspend all civil law as it was suspended in 1865."

Standard,  
Oct. 20, 30

Indeed, it was true that in some communities where the Union League had been most lawless the people were determined to protect society, and were pursuing the only road open to them. Secret crimes were punished by a strong hand. As deplorable as was the condition, the remedy lay in the Governor's hands, but he forbore to use it. While excoriating the Ku Klux, he never sought to remove the occasion of their existence.

The Union  
League

During the recess Judge James W. Osborne, a distinguished jurist and man of singular purity, the Senator from Mecklenburg, had died, and Col. Hamilton C. Jones had been elected in his place. Likewise, Frederick N. Strudwick of Orange had succeeded Mr. Allison in the House, and John W. Graham was elected from Orange to replace Josiah Turner.

### The Assembly meets

Two months later, November, 1869, when the Assembly met, these local troubles found some consideration, especially among the colored members. The political outlook was serious. About half of the Republican membership considered that they all held their offices for a four-year term, or rather, under the unfavorable conditions they feared an election; and hoped that their term of office might be stretched to four years. The hope was father to the thought. The question was submitted to the judges of the Supreme Court, and the replies gave the members no comfort. The election was unavoidable.

Nov., 1869

What was chiefly in the minds of the public men was the financial situation. In his message the Governor mentioned the "old debt" as being \$17,215,000, and the special tax bonds issued as \$12,600,000 with \$4,280,000 still to be issued. He said, with emphasis, "All our great works must be completed. We must go on. We cannot recede. We must pay

Leg. Doc.  
21, 1869-70

The Gov-  
ernor's  
message



the interest on our bonds. We are able to pay the interest on the whole of this debt." Littlefield and his coadjutors stood with him. Loud objection, however, was made.

### **The public stirred**

The public mind was greatly excited. At once measures were introduced covering the whole ground of the special tax bonds. Resolutions to investigate; bills to require accountability on the part of the railroad officials; bills forbidding the payment of interest and arresting the collection of special taxes; bills forbidding the Treasurer to issue any more bonds and requiring the railroad presidents to turn into the State Treasury all on hand undisposed of, and repealing all of the railroad legislation. The excitement continued to grow with each passing day.

In the Assembly

House Journal, 42

The Conservatives in the Legislature, backed by a tremendous public sentiment, pressed these measures, and were heartily and zealously aided by those Republicans who had clean hands and proposed to rescue the State from the pile of profitless debt that had been accumulated so recklessly. The first trial of strength came early. The morning after Governor Holden had pleaded for the inviolability of the public debt, George Price, a negro from Wilmington, offered a resolution in conformity with the Governor's recommendation. Mr. Pou offered a substitute, and the measure was made a special order. When it came up, by a vote of ten majority, it was postponed thirty days, Pou and Seymour leading the Republicans against the Governor to the dismay of the forty-four Republicans who remained faithful. But the faithful rallied. Then, after reconsideration, the whole subject was, on motion of Mr. Pou, withdrawn from the calendar. Charges of corruption that had been whispered now came to be openly spoken, and the question went round, "Who had borrowed money from Littlefield or Swepson?"

### **Committee of the whole**

One week after organization, Mr. Pou of Johnston moved that the House go into committee of the whole to investigate

these matters, and, after a struggle, the motion was carried, and at once the committee of the whole House sat, with Mr. Pou in the chair. The developments were slow. The committee had to send for papers and witnesses. Obstructions were interposed at every step. The Assembly had agreed to recess from December 20 to January 10, 1870, and on December 16 the Governor, perhaps to divert thought, sent in a special message, saying that since his message of November 16 numerous outrages of the most flagrant character had been committed by persons masked and armed, who ride at night and thus far had escaped the civil law. Notwithstanding his efforts to suppress them the outrages seemed to be rather on the increase, and he asked for a remedy strengthening the arm of the Executive. In conformity with his suggestion, on the same day, Senator Shoffner of Alamance offered a bill which was quickly passed in the Senate, authorizing the Governor, whenever in his judgment the civil authorities in any county are unable to protect its citizens, to declare such county in insurrection and to call into active service the militia, and to call on the President for assistance. In the House the bill met with more opposition, but it finally passed. As this outbreak of outrages occurred when no election was in progress and more than a year after the presidential election, it would seem not to have had any connection with partisan politics. When the bill was reached in the House, Mr. Argo moved to refer the whole matter to a special committee to examine into the condition of those counties in which insurrection was said to exist. Mr. Malone moved to strike out the authority to declare a county in a state of insurrection. Mr. Nicholson moved to insert that whenever the civil authorities are unable to execute the law, they shall notify the Governor. But all amendments proposed were voted down by a general vote of forty to sixty-four. Finally Mr. Pou offered a substitute providing that the military shall act in strict subordination to the civil authority, and that likewise was rejected. After a strong fight, the bill passed on the 19th of January, 1870.

Acts of Congress, ch. 27,  
1869-70

Shoffner

House Journal, 185-191



1870

**The Senate investigates**

On January 13, at the instance of Senator Love, the Senate resolved to appoint a commission of investigation. The vote was unanimous, and Lieutenant-Governor Caldwell appointed S. F. Phillips, Thomas Bragg and W. L. Scott. This committee began work February 16 and made a report March 12.

Acts of Congress, 38,  
1869-70

The bond  
act repealed

Acts of  
Congress, 71,  
1869-70

In the meantime the Senate had passed a bill to restore the credit of the State, which eventually was ratified February 5, 1870. The introduction of that act was declared notice to all parties, and all sales or transactions in bonds after that date were declared void; and the parties to whom bonds had been issued were required to turn in to the Treasurer of the State all bonds unsold, and all moneys in their hands arising from the sale of bonds. When the Senate opened on November 17, Major John W. Graham introduced a bill to repeal all acts of 1868-69 making appropriations to the railroads. This measure was fought with unusual skill. Eventually it passed on February 14 by a vote of 21 to 16. Transmitted to the House, Thomas J. Jarvis, who had attained particular prominence by his fine ability in the Assembly, took charge of it and brought it up on the 22d of February. It was strongly opposed; but three days later it passed by a vote of 48 to 31: and was finally ratified on March 8. It was short and to the point: that all acts passed at the last session of this Legislature making appropriation to railroad companies are hereby repealed; that all bonds of the State which have been issued under said acts now in the hands of the president or other officers of the corporation be immediately returned to the Treasurer; that moneys collected under those acts are hereby appropriated to the use of the State government, and shall be credited to the counties on State taxes, etc. Here was a repeal of the acts authorizing the issue of bonds by the same Legislature that had passed the acts.

**Littlefield's influence**

The investigation by the House in committee of the whole had answered no good purpose. Littlefield's influence dominated. The meetings were postponed from time to time. The witnesses did not attend. There had been an order for Littlefield and Swepson to appear on March 4, but Mr. Seymour found it necessary to ask for an alias summons for them one week later, and Mr. French obtained a direction to the Bragg investigating committee to report on the 11th. On the 8th, Mr. French secured an instruction to the committee of the whole not to question a witness in relation to his private affairs. The next day the committee submitted to the House whether a witness should be compelled to give the names of members to whom he had lent money. By a vote of 55 to 42, the witness was required to answer.

House Journal, 451

Ibid., 456

Plato Durham, who, like Jarvis in the House and Graham in the Senate, was a leader in this work, moved that Littlefield and Stevens, the member from Craven, be required to appear the next morning; but G. Z. French moved that Littlefield be excused from attending as a witness and that was adopted by 48 to 41; and, immediately following, the House rescinded the resolution creating the committee of the whole by a vote of 44 to 43. At a supper at the hotel, many of the leading Republicans attending, Littlefield urged that "if they knew as much of the Bragg commission as he did they would vote to repeal it the next day." So when the committee made its report, although Hamilton Jones offered a resolution to continue it, on motion of Mr. Sweet, it was discharged. Thus ended the contest. Neither house purged itself.

Ibid., 459

Ibid., 460

Senate Journal, 551

**The bond operations**

The Treasurer filed with the Bragg commission in March, 1870, a statement showing that there had been issued to the Eastern Division of Western North Carolina Railroad 2,836 bonds, of which 2,170 were sold and 666 were hypothecated; to the Western Division, 6,367, of which 3,132 were sold

Treasurer's report



and 1,924 were hypothecated and 1,291 unaccounted for; to the Wilmington, Charlotte & Rutherford Railroad, 3,430, of which 1,400 were sold, 1,700 hypothecated; to the Western Railroad, 1,320, 55 sold, 1,265 reported on hand but never returned; to the Chatham Railroad Company, 3,200, 1,502 sold, 1,650 returned; to the Williamston & Tarboro Company, 3,300 sold; to the Northwestern Company, 1,080, returned 1,080; to the Atlantic, Tennessee & Ohio Company, 1,760, returned 1,597. Of the 20,293 bonds issued, 4,327 were returned to the State. The bonds issued to the Chatham Railroad Company, however, were not special tax and were held unconstitutional, as were those authorized for the University Railroad and some other roads. As the session drew to its close, Speaker Holden resigned to assume control of the *Standard*, and preliminary steps were taken to care for the party. There was apparent some cleavage in the ranks between the carpetbaggers and the native Republicans. And as the corrupt proceedings launched by the leading carpetbaggers became so apparent that honest men could no longer sustain them, there was likewise division even among the carpetbaggers themselves.

The W. N. C.  
Railroad

Leg. Doc. 33,  
1869-70

The settle-  
ment

Eventually on the 24th of March there was ratified a bill constituting N. W. Woodfin, W. P. Welch, W. W. Rollins, J. S. Henry and W. G. Candler a commission to investigate the administration of G. W. Swepson as President of the Western Division and make a settlement with him. Littlefield was then President of the road. In his examination before the Bragg commission, March 5, Littlefield had sworn that he had had no settlement with Swepson; that he had received no bonds except an order for bonds that had been hypothecated, and sacrificed under the hypothecation; that he had used no bonds or the proceeds of any bonds in procuring the passage of acts, and he did not know of any one else who had. But when the Woodfin commission was about to assemble at Raleigh, Littlefield hastily left Raleigh, going to New York, and Swepson was in Jersey City; so the commission met March 26 at New York

City and demanded a settlement with each of them. Littlefield said he was not embraced in the act. Woodfin, Rollins and Carter eventually came to a settlement with Swepson—"The best that could be made out of a bad state of things." As a part of this arrangement, Littlefield was to pay over within two weeks \$25,000, and in four weeks \$150,000, and was to clear off all liens on some Florida stocks and bonds; but instead he left at once for Europe. Swepson agreed to pay substantially \$400,000, but whether it was ever paid in full does not appear. From London in November Littlefield made some further offer and proposition, but good faith seems to have been lacking. Littlefield returned to Florida, but never to North Carolina.

Leg. Doc. 21,  
p. 8, 36, p. 6

#### **Death of Worth, Ruffin, Bryan and Brown**

On September 5, 1869, at his home at Raleigh after a short illness, Governor Worth died, just as he was completing his sixty-seventh year. He had studied law under Judge Murphey, and in December, 1824, began the practice of law. He opposed nullification in 1831, and was already a Henry Clay Whig. The Worths were Quakers, coming to North Carolina from Nantucket; well educated, advocates of education, men of industry, thrift and character. Governor Worth, like his brothers, was a fine type of able, honest gentleman. Devoted to the Union, he sought to perform his duties to the State during the war, and he possessed, as he deserved, the confidence of the conservative people of the states. The Assembly honored him by an adjournment, and a resolution that, "In his life we recognize a long, pure and distinguished public career; in his death we mourn the loss of a faithful public servant and honest man." Its attitude toward Governor Vance was not so complimentary: his name appearing among the incorporators of a proposed insurance company, a motion was made to strike it out, but better counsels prevailed.



On January 15, 1870, the State was called on to mourn the loss of the eminent Thomas Ruffin, who, from 1833 for about twenty years, filled, with distinguished ability and learning, the office of Chief Justice. No citizen excelled Judge Ruffin in the sterling virtues of manhood: while his opinions were quoted not merely in the American courts, but in those of England also.

On May 17, John H. Bryan of New Bern closed a distinguished career, and six months later Bedford Brown of Caswell died in Caswell.

## CHAPTER LXV

### THE TROUBLOUS YEAR OF 1870

Conditions.—The campaign.—Holden's error.—The Union League.—The Ku Klux.—The outrages.—Alamance declared in insurrection.—Stephens killed.—A volunteer force.—Kirk commissioned.—The Tarboro *Southerner*.—Holden's announcement.—Kirk occupies Alamance.—The arrests.—Caswell County.—Application for habeas corpus.—The judiciary exhausted.—The court-martial postponed.—Day of the election.—Turner arrested.—The serious situation.—Ransom's appeal to Brooks.—Brooks arrives at Raleigh.—The Governor's action.—President Grant sustains Brooks.—The result of the election.—The Governor yields.—Pearson acts.—Kirk obeys Brooks's writ.—The prisoners discharged.

#### The troublous year of 1870

A decade had passed since the fateful year of 1860. On March 26 the Assembly adjourned. The members had been 1870  
extravagant in many ways, and some corrupt in their "mileage," as otherwise; but considering their personnel, the circumstances under which they were elected and their adherence to the malignants in Congress, their deviation from rectitude in little particulars were of no great political significance. But they had wrecked the State. They had dissipated the State's assets, opened no schools, closed the University, and destroyed every hope of any early amelioration of the unfortunate condition of transportation facilities; and worse than all else, the Assembly was odorous with fraud, bribery and corruption. Their proposition to add two years to the terms of the members and of the State officers having fallen through, they passed an act providing for the election of all county officers, members of the Legislature, an Attorney-General and Representatives in Congress to be held in the first week in August. Conditions

In two congressional districts there were vacancies to be filled, so that when the nominating conventions met there were nine nominees by each party for Congress. The Democrats nominated William M. Shipp, who had been an ac-



ceptable judge, for Attorney-General. The Republicans held their convention early in May; and at the outset there was an observable contest between the natives and the carpet-baggers, Holden, perhaps, aspiring to the Senate to succeed Abbott whose term would close on the next 4th of March. Samuel F. Phillips, who, along with the judges of the Supreme Court, had voted for Grant for President and had accepted the view that Congress had the legal right to prescribe reconstruction but who had not been concerned at all in partisan matters, was nominated for Attorney-General on the first ballot and avowed himself a Republican. This unexpected action was a blow to his personal friends who had esteemed Mr. Phillips as a man of the first water in excellence and were shocked at his choosing new political associates, and at his sustaining Congress in imposing negro suffrage on the states, as the Constitution did not invest Congress with such authority.

### **The campaign**

The extravagances and corruptions of the Republican administration, tainted with its many scandals and disgraced by the leadership of Abbott, Estes, Littlefield and their associates, gave hope to the Conservatives that the honest and respectable element of the people would coöperate and rescue the State from the grasp of the carpetbaggers and their allies. Animated by a high sense of duty and hopeful of the issue, they entered on the campaign with enthusiasm. Many meetings were held throughout the State and the press and speakers were bold to a degree. The Superior Court judges chosen in 1868, except C. C. Pool, Charles R. Thomas and Anderson Mitchell, were much in harmony with the other Republican officials; some were guiltless of any acquaintance with the law, others were not associated with respectability of character and disgraced the bench. So, likewise, the congressional delegation, Abbott, Pool, Cobb, Deweese, Heaton and Jones, products of those times, did not have the respect of the white people of the State. But with thirteen thousand majority in the State and the two great elements of the Republican party, negroes and men act-

uated by implacable enmity toward the Secession Democrats, the way was open for the administration to hold its power. A wiser man than Governor Holden might readily have done so. There being two roads, he took the one that led to his political overthrow. In some counties there were evils against which society needed protection. They were fostered and fomented by the Union League, of which the Governor was the head. If not stimulated by Judge Tourgee and others, at least they were unchecked by the judicial power and administrative officers. In some counties an intolerable condition existed for which there was no remedy but by local action outside the law. The Ku Klux organizations in consequence became extended and active. Governor Holden said in his message of November, 1870, that his attention was first called to the Ku Klux in October, 1868, and he had then issued a proclamation against them; that in April, 1869, he had issued a second proclamation against them; and in October, 1869, he had warned the people of Lenoir, Jones, Orange and Chatham that if the violations of law continued in their counties, he would proclaim them in a state of insurrection. But when the Legislature met in November, 1869, the Governor said the State was quiet. Except in some of the western counties near the South Carolina line, these operations were chiefly in the judicial district where Judge Tourgee held court. As the Governor reported, the State was quiet until after the meeting of the Legislature in November, 1869. Four months later Chief Justice Pearson, in a letter to George Little, asserted that the entire State was in as profound peace as it had ever been. A year afterwards H. H. Helper, an uncompromising Republican, wrote to Secretary Boutwell: "One of the greatest evils affecting society in North Carolina may justly be set down to the incompetent and worthless State and Federal officials now in power. They are for the most part pestiferous ulcers feeding upon the body politic. Reconstruction for North Carolina as carried out by Congress and the villainous and incompetent State and Federal officials within her borders, has proved a total failure. When the historian comes to write the history of these evil times,

The Union  
League

The  
Ku Klux

Helper's  
view



Goodloe

Holden,  
Imp. Trial,  
I, 296Ibid., 528,  
533Ibid.,  
I, 556

truth will impel him to declare that the Ku Klux business of today grew out of things complained of in those statements. The only way to effectually rid the country of these wicked midnight assassins is to first remove the cause which brought them into existence and then apply rigid means for their swift extirpation." And in sympathy with Helper's views were those of Daniel R. Goodloe, the United States Marshal, a staunch Republican, and some other Republicans. The operations of the Klan on which Governor Holden laid most stress were in Alamance and Caswell counties. At the impeachment trial of the Governor, in February, 1871, William J. Murray, who had been Sheriff of Alamance from 1860 to 1868, and then continued to serve as Deputy Sheriff, but performing in large measure the duties of Sheriff, said that "Courts were held regularly; that all the functions of government were carried on; that there had never been any resistance to an officer serving process." There was full testimony from the witnesses that the relations between the races generally were as usual; that the witnesses knew of no violence used to control the votes of the colored people or of anybody else; that there was no difference as to the general state of safety of colored men or Republican white men. A negro named Outlaw, a commissioner of the town of Graham, a blatant negro, who, as head of the League, was reported by the negroes to have said, "Set fire to mills, barns and houses," was murdered on February 20. Puryear, said to be more or less deranged, who had reported that he had seen the Ku Klux commit this murder, was drowned. Senator Shoffner had apprehensions and left the State, returning to his former home. There were many whippings by the Klan in Alamance County. At the impeachment trial it developed that Richard Thompson was working in February, 1870, at Jim Forest's; and one night Allen Paisley, Oscar Albright and Duke Hatmaker came in, all negroes, Paisley being the school teacher. They made Thompson go with them, and all being disguised somewhat after the fashion of the Klan, they went out, and Paisley whipped Henderson Coble and Monroe Freeland, all negro men. The next morning Hen-

derson Coble got out a warrant for their arrest. Two of them fled, three were arrested; and at court before Judge Tourgee, Mr. McAden was assigned to defend them. They submitted, told their story, and were sent to the penitentiary. Richard Henderson was a witness at the impeachment trial and his statements were confirmed by the testimony of others attending the court when the three submitted.

While the operations of the Klan were the result of abnormal conditions, they were not in aid of party politics; nor was the object to overturn the government, but it was remedial of evils that threatened society.

### **The Governor acts**

On March 7, 1870, Governor Holden declared Alamance County in a state of insurrection; Judge Tourgee refused to hold court there; and a detachment of United States troops was stationed there. These troops remained there quietly for more than a month and were then removed. On March 10, Governor Holden wrote to President Grant urging the suspension of the writ of habeas corpus and that criminals could be arrested and tried by military courts and shot. That was the Governor's idea of pacification; and it was urged in the United States Senate by Senator Abbott on April 13. John W. Stephens, the Senator from Caswell, was closely associated with Governor Holden, and was one of his detectives. He was a man of bad character and no conscience. When he had organized the League in Caswell and assumed leadership of the negroes, who, before that time, had been on neighborly terms with the whites, he had sought to stir them up to violence; and at a meeting held at the home of his brother-in-law, a man named Jones, he gave twenty negroes boxes of matches and told them each to burn a barn. Soon nine barns were burned the same night. Overheard conversation among negroes led to suspicion that Jones knew of the proceeding. Under stress, he confessed and divulged the circumstances. The death of Stephens followed. Stephens resided in the village of Yanceyville, where a public meeting and speakings were being held in the court room on May 4. He attended the meet-

Stephens  
killed



ing. Afterwards he was missed. An unavailing search was made and it was not until toward morning that his body was found in a locked room on the first floor of the courthouse, with a cord around his neck and with two stabs in his body. Certainly it was a case for an immediate searching investigation and for speedy punishment; and steps were at once taken by competent friends before Judge Tourgee to that end. Every effort was made, but the deed was so veiled in secrecy that no discovery of the murderers was made.

### The military

Under the Militia Act of 1868, the State was divided into three major-general departments and the Governor had appointed F. G. Martindale, a carpetbagger located in Martin, general of the eastern division; W. D. Jones of Wake, and J. Q. A. Bryan of Wilkes general of the central and western divisions, and the races were not to be enrolled in the same companies. The negroes in some of the eastern counties were enamoured with their duties as militia men. "The hottest and longest day did not abate their military ardor. Through clouds of dust and stifling heat, from sunrise till dark, amid the discord of tortured drums, they marched and countermarched at the inexorable commands of their sable captains."

Moore, Vol.  
II, 346

But Governor Holden did not deem it wise to send negro troops into the white counties, so in the Shoffner bill it was provided "that the Governor could call into active service the militia to such an extent as may be necessary," while the proposition to make the military subordinate to the civil authority was expressly rejected. During the first week in June there were several councils held in the Executive office, and finally it was determined to act under the eighth section of the act of 1868, by which the Governor was authorized to organize regiments of volunteer infantry.

Leg. Acts,  
27, 1869-70

Volunteer  
infantry

It was suggested that Governor Holden should follow the example of Governor Clayton of Arkansas, "who had taken military possession of disaffected counties and had tried and executed large numbers of men by military courts." Governor Holden seems to have accepted that suggestion.

W. J. Clarke was at once commissioned colonel of the First Regiment North Carolina State Troops and, going to Wash-  
ington, was supplied with an outfit for a regiment; and George W. Kirk, the notorious Tennessee bushwhacker during the Civil War, was appointed colonel of the Second North Carolina State Troops. The course of events aroused the press. Turner was bold in expression and fearless in denunciation. But it was perhaps the Tarboro *Southerner* that precipitated a new situation. June 10, Mr. Biggs, editor of the *Southerner*, said: "In the days of old, when a ruler of the people prostituted his position to wicked purposes of oppression and so basely betrayed his public trust as the Governor of North Carolina has so frequently done for partisan purposes, the swords of patriots leaped from their scabbards, the knife of the assassin felt, uneasily but surely, for the heart of the ruffian ruler. While we do not advise and could not countenance anything not warranted by law, we are at a loss to say what should be done with such a Governor." The Governor's reply was speedy. The *Standard*, in its issue of June 11, declared: "We are authorized by the Governor of the State to say that these outrages must come to an end. He intends to have indemnity for the past and security for the future. The Governor intends to do this, and there are threats that he will be assassinated for so doing. Let them try it. The Governor does not fear these fiends in human shape. If he is ever personally menaced, his friends will resent it and punish the man or men who may do it; if he is slain or even wounded, it is already determined that leading Democrats and Conservatives who might be named, will be instantly put to death. The Governor's mind is made up." This publication fully accords with the testimony of Col. Isaac J. Young and Richard C. Badger, before the Broadfoot Investigating Committee.

Kirk

The South-  
ernerHolden's  
spirit

### Kirk's action

On his appointment, Colonel Kirk had printed an advertisement for recruits addressed to Union men in general and to his old Federal Tennessee soldiers in particular, the same



Kirk in  
Alamance

being in Governor Holden's own handwriting, as follows: "The blood of your murdered countrymen, inhumanly butchered for opinion's sake, cries from the ground for vengeance. . . . Rally to the standard of your old commander." Kirk was notorious as a "desperate, merciless, criminal, violent, cruel man; a plunderer, guilty of many outrageous deeds and murders." On June 21, Kirk was to assemble his men from Tennessee and Wilkes and Mitchell counties at Morganton. And then on July 1, two hundred of his men came down under Colonel Bergen to Company Shops, and took post in Alamance County. They were described as a disorderly set of men. At once they began to roam the country in squads making arrests. Among those arrested were some of the leading men in the county, the venerable Dr. Wilson, Thomas M. Holt, his brother-in-law, Mr. Moore, and others equally prominent. During this period the *Sentinel* was most forceful in its editorials. Mr. Turner had on his staff the accomplished Theodore B. Kingsbury; and Judge Merrimon also made contributions to his columns. On the 8th day of July, two months after the murder of Stephens, Caswell County being then in entire quietude, that county was declared in a state of insurrection, and on the next day Major Rodney in command of a detachment of United States troops arrived at Yanceyville. He reported to the Sheriff and placed his force at the disposal of the Sheriff to aid him in executing his office; but the Sheriff replied he had no difficulty in serving any process. Caswell was in the same quiet order as any county in the State so far as the functions of government were concerned. But while the Federal troops were still at Yanceyville, and everything was quiet, on the 16th of July, Colonel Kirk arrived from Alamance where he left about one-half of his force. Governor Holden had arranged for a court-martial to be convened on the 25th of July, to be composed of six men to be assigned by Kirk and others whom he would designate, and Kirk was furnished with a list of men he was to arrest. Kirk carried a lot of his Alamance prisoners along with him. On arriving at Yanceyville, he found that a public speaking was to be held

Goes to  
Caswell

there that day by the candidates for Congress. When the people had assembled in the court room, he surrounded the building with his armed men and began arresting those on his list, among them Judge Kerr, Dr. Roane, Thomas J. Womack and others of high responsibility. These unusual proceedings called for quick counteraction by public-spirited men. Application was made by Governor Graham, Governor Bragg, Judge Battle, Judge Merrimon and E. S. Parker to Chief Justice Pearson for writs of habeas corpus on behalf of A. G. Moore and others arrested by Kirk. The writs were issued and served by A. C. McAllister on Kirk, who said such papers "had played out"; that a court had been appointed to try the men; that he was acting under the orders of the Governor. Chief Justice Pearson was informed by the Governor that he was "satisfied that the public interest requires that these military prisoners shall not be delivered up to the civil power." On the 25th, the Chief Justice closed a long opinion with this declaration: "The power of the judiciary is exhausted, and the responsibility must rest on the Executive." Other similar proceedings followed. The submission to the Governor's will, by Judge Pearson, who said that two other members of the court also concurred, heartened Governor Holden in his plans and purposes; but as the election was approaching—the first Thursday in August, and perhaps the withdrawal of the officers to serve on the court-martial might have been inconvenient—he announced that he had postponed the court-martial until August 8, after the election.

Habeas  
corpus64 N. C.  
Rep., 802

Ibid., 804

Ibid., 811

Judiciary  
exhausted

### The election

As day by day progress was made in subverting civil authority and in disregard of the liberties of the citizens, there was evolved a spirit of resolution that has seldom been equaled in the State. During the campaign the press was firm in its denunciation. The *Wilmington Journal*, under Maj. Joseph A. Engelhard; the *Star*, under Maj. W. H. Bernard; the *Observer* at Charlotte, and the Conservative newspapers generally were strong and fearless



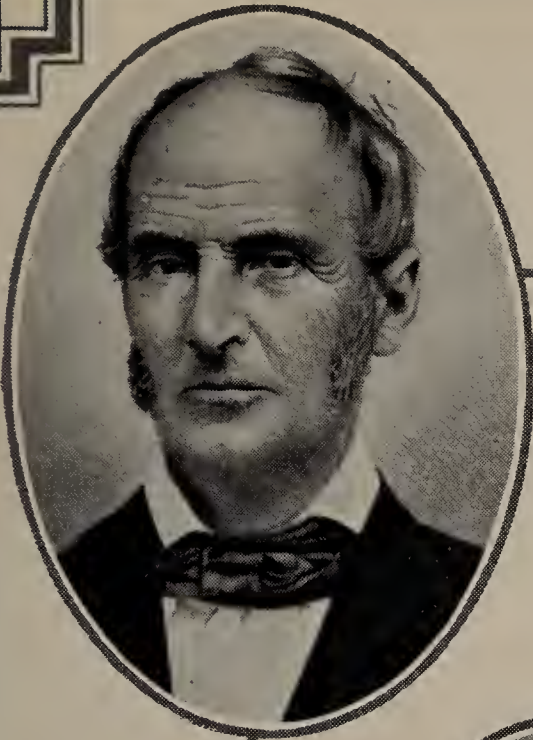
Turner  
arrested

defenders of the liberties of the people. On the hustings the eloquent George Davis and the powerful orators Ransom, Vance, Graham, Waddell, Ashe, Scales, Dortch, Leach, Merrimon and, indeed, every other speaker of reputation, were appealing to the people to sustain constitutional government. The excitement was intense. But the election was now at hand, and perhaps because of the anxiety that pervaded the State and the extreme importance of the issue, there was a self-control that led to unbroken quietude. The State was hushed through solicitude. The election passed off without a clash. In Caswell the polls were not opened; in Alamance the military were at the polls. Kirk's troopers voted and the election was held void. As always, the returns came in slowly. From some first favorable reports Governor Holden may have been misled as to the general result and, emboldened by the thought, he now gave rein to his impulses. Josiah Turner, having become more violent and vituperative, daring the Governor to arrest him, and Mrs. Turner having been shot at in her own home at Hillsboro, on the evening of August 3, published the following editorial: "Governor Holden: You say you will handle me in due time. You white-livered miscreant. You dared me to resist you; I dare you to arrest me. You villain, come and arrest a man, and order your secret clubs not to molest women and children. Yours with contempt and defiance. Habeas corpus or no habeas corpus. Josiah Turner, Jr." Such was the straw that broke the camel's back. The Governor had been strongly urged not to declare Orange County in a state of insurrection, and not to have his militia to arrest Turner in that county; but now, disregarding the advice, he acted according to his heart's desire, and immediately telegraphed Kirk to arrest Turner, who was seized at Hillsboro and cast into prison at Yanceyville.

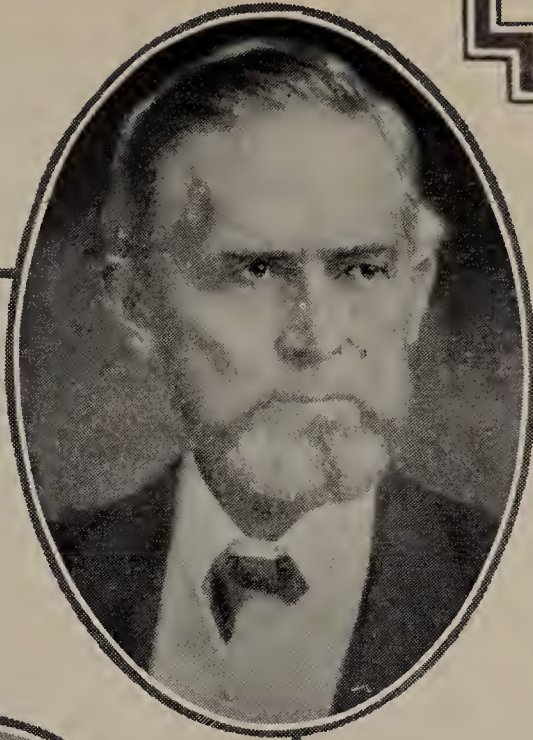
But in the meantime other actors were brought into the scene.

The announcement of the Chief Justice that "the power of the judiciary is exhausted" fell on astounded ears. At once the great men, Bragg, Graham, B. F. Moore, Merrimon

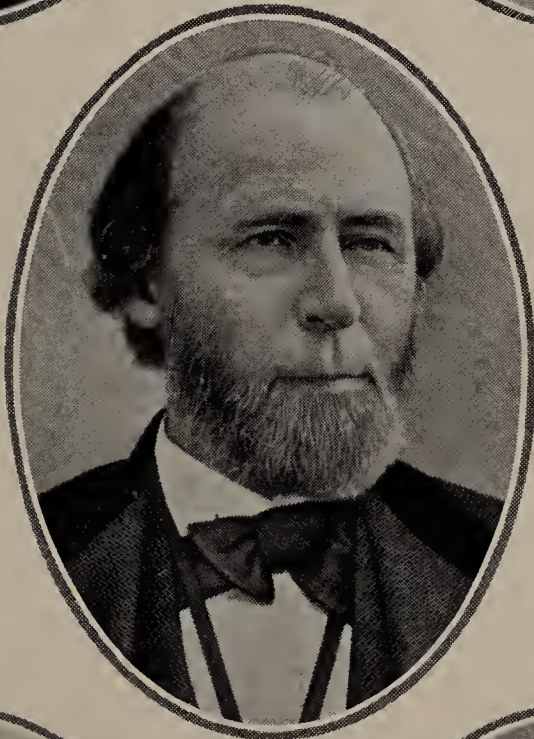




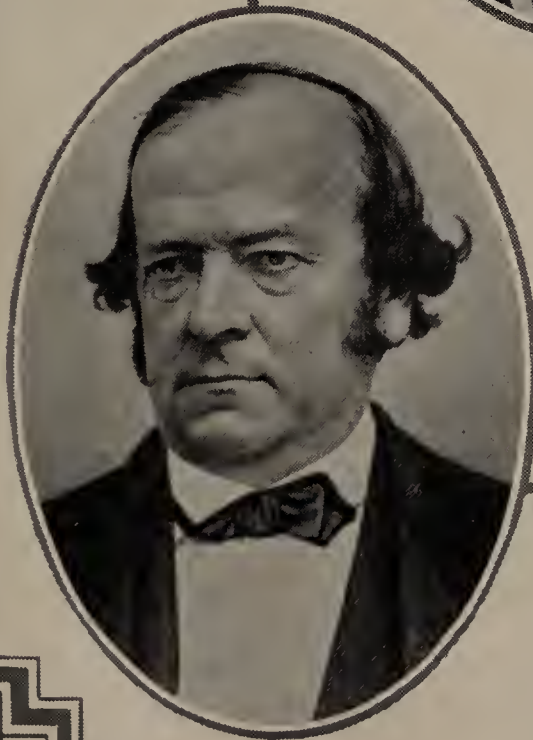
1



2



3



4



5

1. Richmond M. Pearson

3. William W. Holden

2. George W. Brooks

4. Josiah Turner, Jr.

5. Randolph A. Shotwell





and Battle urged that the law requires: "Direct a precept to a sheriff or other persons to bring those men before you and he will call out the power of the county." This Judge Pearson declined to do. He said: "It will plunge the whole State into civil war." Such, indeed, would have been the case; but the men who had fought under Lee and Jackson were ready, once the tocsin was sounded, under the leadership of Bragg and Graham. Indeed, Professor Mills of Wake Forest wrote in 1908: "When I was running the *Biblical Recorder* in 1870 and two or three times a day passed Kirk's negro troops at Raleigh, I thought that with the company of sharpshooters I commanded in 1864, how quickly I could wipe them off the face of the earth." Such was the spirit. And so the dreaded alternative oppressed the people. But now the directors of events turned from the State authorities and invoked Federal intervention. At their instance Gen. M. W. Ransom hurried to Elizabeth City, accompanied by James S. Grant, Sheriff of Northampton County, to ask Judge Brooks, the Federal judge, to issue his writ of habeas corpus. Then, said Mr. Grant: "General Ransom, in presenting the petition, rose to the heights of eloquent oratory, and his pathetic appeal touched the very chords of Brooks's heart. Tears gathered in the eyes of the humane and patriotic Judge and coursed down his cheeks." The act of Congress permitted his action. He assented, but waited until he had come to Raleigh when he issued his writ requiring the prisoners to be brought before him at Salisbury.

While election day had passed, the returns were not in. Still thinking that the Legislature would be Republican, Governor Holden at once telegraphed President Grant, denying Judge Brooks's right, and saying that Kirk would be directed to refuse to obey, and it was his purpose to detain the prisoners unless the Army of the United States, under the President's orders, shall demand them. The Attorney-General was A. F. Akerman, who had once taught school in Hertford County, and had been a Confederate soldier and was a resident of Georgia. He advised the President that the State authorities should yield to the

Brooks acts



The President sustains Brooks

Result of election

Holden yields

United States judiciary, and the President so telegraphed Governor Holden. Then Akerman himself came to Raleigh. This created dismay in the Executive office. And then the news from the election was not favorable. Those were bitter hours. At length by the 11th, the result of the election was known. It had gone against the Governor. While the total vote had fallen off from that of November, 1868, 10,000, the Conservative vote had increased 3,000; and the Republican vote was 13,000 short. Phillips was beaten by over 4,000. Of the seven representatives in Congress, the Conservatives had elected five: Waddell, Harper, Leach, Rogers and Shober, and they had a large majority in the House and a two-thirds majority in the Senate. The situation put an end to the Governor's military proceedings. On the 11th, he directed Kirk to parole all his prisoners in whose honor he could confide to report to him at Company Shops on the 15th, and, leaving one hundred men at Yanceyville, move his command to Company Shops. Four days later, evidently to outflank Judge Brooks, he sent a special messenger to Chief Justice Pearson saying that the time had arrived when he could restore the civil power; and that Kirk would produce his prisoners "as soon as his Honor shall arrive in Raleigh." Judge Pearson hastened to Raleigh and announced that he would hear the matter on the 18th.

### Judge Pearson at Raleigh

But when the Chief Justice took his seat and Kirk surrendered his prisoners, who were thereupon placed in the custody of the Sheriff of Wake County, the venerable Judge Battle, counsel for the prisoners, reciting the former unavailing proceedings and the application to Judge Brooks, asked leave to withdraw the application for habeas corpus and to abandon any further proceedings before the State judiciary. Their appeal to the State judiciary having been in vain, they now had no further use for its powers. While Judge Pearson could not object, he nevertheless held that the prisoners being now in custody of the civil authorities, the Sheriff of Wake, he could hear any charge to be made

against them. Thereupon twenty-two of the prisoners were released; but F. A. Wiley, J. T. Mitchell and Felix Roane, being charged with the murder of Stephens, were bound over in the sum of \$5,000 to answer that charge. Later, these men were in open court at Yanceyville before Judge Tourgee. Solicitor Bulla, a pronounced Republican, declared that he had examined the evidence against them and did not feel warranted in drawing a bill against them. They were discharged. In accordance with Judge Brooks's writ, Kirk attended at the District Court at Salisbury, and without making any return as to why he had held these men in custody, surrendered them, except those theretofore surrendered to Judge Pearson, saying that those were not now in his custody and he then purged himself of contempt. On application Judge Brooks issued a warrant for the arrest of Bergen "to keep the peace," and for a time Bergen was held in custody.

64 N. C.  
Appendix,  
824

Imp. Trial,  
I, 825

Kirk obeys

All of the prisoners then, one by one, were discharged, in each case there being filed an order signed by Judge Brooks, reciting: "It appearing to me that the prisoner has been arrested and is still detained without any warrant or authority whatever, and no evidence is produced to show that he has committed any offense, he is now discharged." Thus, after a confinement of five or six weeks, these citizens were released by the Federal Court. For this action Judge Brooks received, as he deserved, the plaudits of the conservative people of the State and his name and memory have ever been held in merited honor as a fearless, upright and independent judge.

Brooks's  
order

### Treatment of the prisoners

The treatment to which these prisoners were subjected was most barbarous. One of them, L. H. Murray, stated in his affidavit filed in the Federal Court on the 19th of August, that being informed that Bergen had sent to arrest him, he reported at the camp, and was declared a prisoner. About one o'clock that night, Bergen took him to his (Bergen's) hut and ordered him to tell what he knew about the hanging of D. Wyatt Outlaw. Murray said that

Imp. Trial,  
I, 1019



Bergen's  
treatment

Murray

Imp. Trial,  
I, 1021

Weldon

he knew nothing about it; that he did not know that Out-law had been hanged until the next morning. Bergen put a rope around Murray's neck, and, having tied his arms to his body, had him hung by his neck up a tree. After being suspended for a short time, he was let down. Bergen and his men then presented pistols to Murray's breast and threatened to blow his heart out. Bergen then seized the rope and again suspended him by the neck. On being let down, Murray could not speak for some time. Bergen then said: "You must acknowledge it or die. Sergeant, hang him to that tree and let him hang until eight o'clock in the morning. Then cut him down and bury him"; but that was not done. After other threats, Bergen said: "I will now give you till tomorrow night, and if you don't confess then, I will kill you." Murray was held by Bergen and Kirk until August 18.

D. W. Weldon, also of Alamance, in his affidavit said about July 23 he was arrested and later was paroled to report to Kirk at Yanceyville. Confined in an upper room, a soldier fired his pistol, the ball passing near Weldon's head; and Kirk and his officers cursed and maltreated him; that he was taken to jail at Graham and confined there till brought to Salisbury; that when put in jail, Lieutenant Burmer placed an iron manacle on one of his legs to which was affixed a chain and staple, fastening it to the floor; that he was kept thus ironed until taken to Salisbury; that he suffered for the want of water—was several times refused water; when food was sent him, it was thrown on the floor of the jail, and he was forbidden the use of knife, spoon or fork—the guards presenting their pistols at him and threatening to shoot him; that he never was informed of any charge against him. Among the prisoners were some of the most respectable and responsible men in the State, against whom no charge whatever was then made, or had ever been made. The number arrested was perhaps three hundred.

## CHAPTER LXVI

### IMPEACHMENT OF THE GOVERNOR

The Assembly.—The few carpetbaggers.—Jarvis Speaker.—The Conservative majority.—The purpose of the Conservatives.—Governor Holden.—Vance elected Senator.—Republican legislation repealed.—Impeachment of the Governor.—The House acts.—The Senate.—Caldwell acting Governor.—E. J. Warren President of Senate.—Constitutional reform.—The question of convention submitted to the people.—The court of impeachment.—The attorneys.—The witnesses and evidence.—The Ku Klux.—The proceedings.—The result.—The formalities.—McClammy's opinion.—The sentence.—The Chief Justice.—Judge Jones resigns.—Senator Pool.—Swain County.—The University.—State officers.

#### The Assembly, 1870-71

With the overthrow of the military and the restoration of civil authority, and with the complete victory at the polls, the white people of the State experienced a feeling of relief that cannot be expressed. All during the autumn, from August to November, joy prevailed. There were those who determined that it was due to constitutional government that both the Governor and the Chief Justice should be brought to the bar of justice.

On November 21, the Assembly met. Among the members in the House were Thomas J. Jarvis, J. L. Robinson, David Settle, Thomas Sparrow, J. D. Stanford, F. N. Strudwick, C. W. Broadfoot, John W. Dunham, T. D. Johnston, Edmund Jones, J. C. Mills, L. M. McAfee, T. A. McNeill, J. C. Reid, S. F. Tomlinson, R. P. Waring, J. O. Wilcox, W. P. Welch, C. F. Young, S. A. Ashe, and others of the majority destined to play prominent parts in the proceedings; while T. L. Hargrove, S. F. Phillips, John Brooks of Brunswick, A. W. Fisher, G. Z. French and J. M. Justice were among the more prominent of the Republicans. While there were some vacancies, the House stood about seventy-five Democrats, three Independents, forty-two Republicans of whom nineteen were negroes and three were carpetbag-



gers. In the House, says the historian Moore, "Maj. Thomas Sparrow of Beaufort, R. P. Waring of Mecklenburg, Capt. S. A. Ashe of New Hanover, and T. J. Jarvis of Tyrrell were the leaders of their party."

Major Sparrow was esteemed for his legal learning, his experience, industry, ability and blameless life. He had been a gallant soldier in the war; and in culture and morals he ranked high in the State. He was the leader of the House.

Captain Jarvis had a fine reputation as a soldier, and had been a member of the Convention of 1865, and in the Assembly in 1868-70. He was elected Speaker. He was entirely familiar with State affairs, and was a capital presiding officer, and exercised almost a controlling influence over the proceedings of the body.

The carpetbaggers had virtually disappeared. In the House were G. Z. French of Wilmington, A. W. Fisher of Bladen, Holden's former Adjutant-General, and John Renfrow of Halifax. There were nineteen negroes in the House, among them Mabson of New Hanover. New Hanover, where there was nearly one thousand negro majority, there having been four Republican candidates for the House, was represented by a carpetbagger, a negro, and a Democrat who ran in ahead of two of the negro candidates; and, similarly for the Senate, Maj. Charles W. McClammy was elected over two Republican candidates for Senator in the New Hanover District.

W. W. Gaither was elected Clerk, and Kerr Craige of Salisbury, Reading Clerk. Later in the session, elections being held in Alamance and Caswell, C. A. McAllister and E. B. Withers and W. Paylor became members.

### **The Senate**

In calling the Senate to order, Lieutenant-Governor Caldwell said among other things: "Much was done by your predecessors calculated to advance the State in her onward march to glory and greatness if the intention of the lawmakers had been faithfully and honestly observed and their enactments properly executed; but candor compels me to

admit that much also was done which it were better had it been entirely omitted." He suggested that thorough investigation should be made into all well-founded complaints of frauds and speculations, "as much to vindicate the character of such as have been falsely charged as to bring to justice those who have abused their high trusts."

In the Senate were thirty-six Democrats, fourteen Republicans of whom were two carpetbaggers and three negroes, among them George W. Price of Wilmington. Among the Conservatives were Dr. Speed, Lewis Latham, E. J. Warren, John W. Graham, John A. Gilmer, J. M. Worth, Ham C. Jones, W. M. Robbins, James Merrimon, W. L. Love and others of the first water as sterling men. Col. William L. Saunders was chosen Clerk. Colonel Saunders sometimes has been alleged to have been the Chief of the Invisible Empire, but certainly that could only be a surmise. Henry A. London was elected Reading Clerk.

While the membership of both houses was largely of men who had no legislative experience, yet they were men of intelligence, and were trained to command. They were young men entering on the new life of the State under its novel conditions with resolution. With intelligence and patriotism they addressed themselves to the difficult task of undoing the evils that had befallen the State and promoting the happiness and prosperity of the people, and with a purpose to secure the future.

Later in the session, James A. Graham became Senator from Alamance, L. Brown from Caswell and L. C. Edwards from Granville. A majority of the members of the Assembly had been in the Confederate service, and now they felt that a duty had come to them quite equal to any they had hitherto been charged with. They had fought in the battlefield for their State and people; they were now to rescue the State from the horrible fate that had overtaken it under the dominancy of the tyrannous Congress. Ruin lay ahead. To avoid it, wisdom and resolution were necessary. One of their first duties, plain and imperative, was to unite the discordant elements of the white people and consolidate them in a coherent party. Thousands detested



the very name of Democrat, and still more were more bitter than gall against the Secessionists. To avert impending ruin and secure the future, these animosities were to be allayed, and all opposed to Republican dominancy buttressed on negroism were to be consolidated and brought into harmonious coöperation.

Gov.  
Holden's  
message

As soon as the Assembly had organized Governor Holden sent in his message. After reminding the General Assembly of its high duties, he continued: "We have cause to be thankful to Almighty God for the abundant harvests of the year now closing, and for the peace and quiet now prevailing throughout the State. Scarcity of the means to support life is no longer felt. All our people who labor can have their 'daily bread,' and many are retrieving and rebuilding the fortunes which were lost or impaired during the late war. We are entering as a people on a new career. Time, labor, patience, harmony and good will among ourselves will make North Carolina more prosperous, more wealthy and more respected than she has heretofore been at any period in her history." Had Governor Holden been animated by those sentiments two years earlier—even though accepting congressional reconstruction and negro suffrage, far happier would have been his fate, and different, indeed, the course of events in North Carolina. With respect to the State debt, counting in the special tax bonds, he said: "The entire debt is about thirty millions, requiring for interest and the State government, a tax of \$2,500,000." But he did not think the people would submit to that tax, although he believed it would be wise for them to do so. He therefore suggested, "there must be a compromise of the old debt and a payment on the new debt of such amounts as were realized from the sale of bonds from first hand"; but he declared that his judgment was to pay the entire debt in good faith.

The Governor, after a detailed review of public affairs, finances, education, State institutions, etc., at great length stated the successive incidents and events of the Ku Klux outrages and operations and of his own course in putting a stop to them, and he declared: "The result of this action

on the part of the Executive, in pursuance of the Constitution and the laws, has been in the highest degree fortunate and beneficial."

In regular course a great mass of bills and resolutions were presented and day by day progress was made in the business of ordinary legislation.

On Tuesday, November 29, Governor Z. B. Vance was elected United States Senator to succeed Gen. J. C. Abbott. In the Conservative caucus there had been strong opposition to the nomination of Governor Vance, particularly because his disabilities had not been removed, and he could not take his seat except by congressional action, while there were some members who did not care for Vance because of his attitude to the Confederate administration during the war. General Ransom's disabilities had been removed. Although there were some few votes for Clingman and Merrimon and others, the contest was between Vance and Ransom. At length it was announced that if his disabilities were not removed Governor Vance would resign and allow the position to be filled by one who could take his seat, and so on the twenty-seventh ballot in caucus Vance was nominated by two majority, and then was elected by the full Conservative strength. He was entitled to take his seat on March 5, 1871; but Congress not having relieved his disabilities, on its adjournment in April, he held on, awaiting its action at the December session.

Vance  
elected  
Senator

Among the objects many had in view was the resuscitation of the State through immigration. A large stream of immigrants was flowing into this country from Europe, and it was thought possible to attract a part of it to North Carolina. A commissioner of immigration was appointed with authority to establish agencies in Great Britain, France and Germany; and a corporation was authorized to be formed by any and all of the railroad companies, for the purpose of promoting immigration. As the preceding Legislature had passed acts to give effect to the views and purposes of the Republicans, so this body speedily addressed itself to reversing that action. It first repealed the Shoffner Act under which Governor Holden had declared counties

Immigration

Repealing  
legislation



in rebellion, and passed acts to suppress secret political organizations and to repeal the objectionable sections of the militia law. Not a vestige was left of the instrumentalities used by Governor Holden in his military operations.

Littlefield

The act dividing the Western North Carolina Railroad into two divisions was repealed, and as far as practicable the railroad organizations were restored to their original situation before the issue of the special tax bonds. The practice introduced by the Code of Civil Procedure was suspended, and cases made returnable to term time. To inquire into frauds and corruption a commission was raised, of which Judge W. M. Shipp, Gen. J. G. Martin and Hon. Joseph B. Batchelor, once Attorney-General of the State, were the members. G. W. Swepson and M. F. Littlefield having been indicted in the Superior Court of Buncombe County, the Governor was requested to secure their arrests in whatever state they might be found, and the Governor was authorized to offer a reward of \$5,000 for the apprehension of Littlefield.

### **Impeachment of the Governor**

On December 9, Mr. Strudwick offered a resolution impeaching W. W. Holden, Governor, of high crimes and misdemeanors in office; which was referred to the Judiciary Committee. In the Committee the subject was fully and carefully considered. Mr. Phillips made a strong appeal for an adverse report. He spoke of the hundreds of thousands of negroes, a part of our population, who looked to Governor Holden as their protector, and who regarded that the actions for which he was now called in question were taken by him in their behalf; and were he now to suffer on their account, and if they felt they no longer had any protector, and were to fall back in their anger on a course of violence, what social disorder might result. After careful consideration, on the 13th, Major Sparrow, the Chairman, reported the resolution favorably signed by the thirteen Conservative members of that Committee, but without the approval of any Republican.

House Journal, 115

After various motions in antagonism, the resolution was adopted the next day by a vote of 60 to 46. On the 15th Speaker Jarvis directed Messrs. Strudwick, Welch and Sparrow to appear at the bar of the Senate and in the name of the House of Representatives and all the good people of North Carolina to impeach W. W. Holden, Governor of North Carolina, of high crimes and misdemeanors in office. On December 19, articles of impeachment containing eight different articles were presented to the House and considered in committee of the whole, Strudwick in the chair, and the House adopted them as presented and elected seven managers, Sparrow, Gregory, Dunham, Welch, Johnston, Scott and Broadfoot, with authority to employ other counsel. The Senate being notified the next day (20th) at eleven o'clock, the House of Representatives attended the managers in formal procession to the Senate and Major Sparrow presented the articles of impeachment, and the articles being read, the House returned to its chamber. Immediately Lieutenant-Governor Caldwell announced his retirement to take charge of the Executive Department; and Judge E. J. Warren was elected President pro tem. On the 23d, the Senate organized as a court of impeachment, the Chief Justice presiding. Governor Holden appeared and by his counsel, Richard C. Badger, asked for thirty days for preparation, and the court adjourned until January 23.

Dec., 1870

The managers

Warren

### Convention proposed

A committee on constitutional reform had been early raised, and on December 14, Senator Cook had introduced the bill the committee had prepared providing for a convention with limited power, each delegate elected to be sworn that he will not evade or disregard the duties enjoined in the limits fixed to the convention. The Governor was required to issue a proclamation commanding the sheriffs to open the polls and hold an election, at which the people were to vote either for or against the convention; and also for delegates to sit in the convention in case a majority of the people should call it. The bill having been debated in the Senate and many amendments offered was



Caldwell

up for final vote on December 19, when Lieutenant-Governor Caldwell stated that in his opinion the assent of two-thirds of all the Senators-elect was necessary for its passage. That being his opinion, he desired to vacate the chair in case the Senate did not agree with him. On a vote taken it appeared that twenty-eight Senators differed with him, and only twelve agreed with him. The Lieutenant-Governor thereupon called Judge Warren to the chair, and the bill having received twenty-eight votes to fifteen in the negative was transmitted to the House for concurrence. The House made some amendments, which were not agreed to. So the bill went to conference, and the amendments made in conference were adopted on February 4, and the act was ratified February 8. Later Governor Caldwell, now the acting Governor, having scruples as to the authority of the Legislature under the Constitution, submitted the question to the Supreme Court, and the judges concurred in his view. Thereupon he transmitted the correspondence to the Assembly. But the Assembly adhered to its own view and passed another act, similar to the former one, except that it required the returns to be made to the Attorney-General instead of to the Governor, and it fixed the election for August. Then on April 5 it adopted resolutions that the opinion of the justices in a case not properly constituted "hath no binding force or effect. . . . That the Governor has no veto power and is not at liberty to sit in judgment on an act of the Assembly and nullify it."

The Senate as a court of impeachment having adjourned to January 23, the Assembly, on December 23, took a recess till January 16, 1871.

### **Impeachment**

After recess the Legislature reconvened January 16. The Senate being in session as a court of impeachment, on the 23d, Maj. John W. Graham offered the rules to be observed and the Governor filed his answer, answering each of the eight articles. His counsel were R. C. Badger, J. M. McCorkle, Nathaniel Boyden, Ed Coningland and W. N. H. Smith.

The managers had engaged the services of Governor William A. Graham, Governor Thomas Bragg and Judge A. S. Merrimon. It was not till February 2 that the trial began. It was a solemn and impressive scene—the representatives of the people calling to the bar of justice the Governor of the State charged with subverting the constitutional liberties of the people of the State. Never before had there been such a proceeding in North Carolina. The actors in the court were men of the highest standing in the State, eminent for their learning and character. Manager Sparrow, in an able, learned and extended address, developed the facts alleged as the basis for the impeachment. To Judge Merrimon had been assigned the introduction of evidence and the examination of the witnesses. In the performance of this duty Judge Merrimon won the highest praise for acumen and careful preparation. Never perhaps was an attorney so fortunate in illustrating his perfection in the duty assigned him.

Various were the many questions that arose for discussion, calling for the highest powers, and on both sides were displayed great learning and efficiency. Indeed, both the managers and Governor Holden were fortunate in the selection of their counsel.

Impeachment of Holden, p. 1581

Among the witnesses for the respondent were some men who had borne excellent reputations. Among them was James E. Boyd, a young attorney of Alamance who had been one of the Ku Klux. He said that the White Brotherhood came into the county of Alamance in November, 1868, and that he was then initiated by J. A. Long, who was the chief of the organization in that county. Shiloh was the word of distress. While it was not so required in the oath, yet he considered that each member had to protect other members, whether as a witness or a juror, and that the operations were to be kept secret; that in the oath was a declaration that the affiant did not belong to “any political society or party whose aim and intention is to destroy the rights of the states and of the people and to elevate the negro with the white man.” There was an additional oath as to secrecy and aid to members; and that you “will never

Boyd's testimony

Impeachment of Holden, p. 1587

Jan., 1871



Impeach-  
ment of  
Holden, p.  
1589

Ibid., 1610

bear State's evidence against any member of this brotherhood." There were ten camps in Alamance, and there were seventy-five members in his camp. He was likewise initiated into the Constitutional Union Guard, whose object was the preservation of the Constitution as it was before the Fourteenth and Fifteenth Amendments. The oaths were nearly similar. He did not remember taking an oath as a member of the Invisible Empire and he did not think it existed in Alamance County.

Long

Mr. Boyd told of incidents occurring in the county that he knew about. He knew of numerous whippings. On being arrested he was taken to Yanceyville. While there he sent word to the Governor that he had no disposition to conceal anything he knew about the Ku Klux. He told Kirk that if put on the stand he would tell all he knew, and so later he became a witness. Another witness, J. A. Long, testified that in May, 1871, the Ku Klux organization had disbanded in Alamance, although some ridings may have taken place after that. The evidence showed that of the eighty persons arrested in Alamance only relatively a few were members of the Ku Klux, and as to those arrested in Caswell, it was not shown that any were, although there had been many negroes whipped in Caswell as in Alamance.

The trial

The examination of the witnesses for the managers covers about one thousand printed pages. On February 2, Mr. Coningland opened for the respondent and on March 13, respondent closed after introducing evidence covering eleven hundred printed pages. There was some further testimony by the managers, and on the 15th the argument began. Governor Graham's opening covers forty pages. Mr. Coningland replied. Mr. Boyden followed in an address of fifty pages, and Hon. W. N. H. Smith in one of seventy pages. Bragg closed in one of ninety-two pages.

The convic-  
tion

Henry London, the Clerk, read the articles of impeachment. The vote was taken without debate. The respondent was acquitted on the first and second articles, but on the third and all others he was found guilty; two-thirds of the Senators voting for his conviction.

The Board of Managers, accompanied by the House, now entered the chamber. Maj. John W. Graham offered a resolution, reciting the proceedings and the judgment of the Senate. While all of the speeches were of the highest order those of Governor Graham, Governor Bragg and Mr. Smith were of surpassing excellence and added to the high reputation of these gentlemen. The Senators were allowed to file opinions and these likewise were worthy of the occasion. That of Major McClammy, the Senator from New Hanover, closes: "Of the large number arrested there were none taken under warrants properly made out, but they were seized at the instance and by direction of respondent with utter disregard of the provisions of the Constitution. If there had been insurrection and these men had engaged therein, his acts might have been lawful, but there was no insurrection and the capture and detention of these parties were without the sanction of the law. Had they engaged in any criminal undertaking their apprehension might be excused, but there is not even an insinuation that most of them had committed any offense known to the law. As for the members of the secret organizations shown to have existed in these counties, they do deserve harsh punishment from the hands of inexorable justice. Not even can the respondent entertain for them a greater aversion than myself. But these societies were the outgrowth of the times, and in checking them it was criminal in the respondent to deprive innocent citizens of their dearest rights. The Constitution and the laws are worth nothing if they can be violated with impunity at the arbitrary will of one man. They are intended not merely to limit power in quiet times, but rather to prevent encroachments on the liberties of the people when 'reason forsakes its throne and passion rules the hour.'"

McClammy's  
opinion

Governor Holden being found guilty, the sentence imposed was to be debarred from holding office in this State.

The sentence

While presiding over the high court of impeachment, the Chief Justice himself apprehended that he would next be called to answer. He employed Col. Thomas C. Fuller to defend him.

Pearson



1871

On February 27, the Chief Justice, however, made a statement with reference to his action in not seeking to enforce the writ of habeas corpus, in which he said: "As against General Hoke or Colonel Mallett, during the late war, it was my duty to enforce the writ. I had the power because I could fall back on the Governor. But as against the Governor, who is the commander-in-chief of all the able-bodied men in the State, it was otherwise; that is the point." The other members of the court concurred. The court virtually determined to remain silent, while the Governor carried out his purpose to put citizens to death by military court-martial.

There was, indeed, a purpose to impeach the Chief Justice, but Governor Bragg, when consulted, suggested that a corrupt intent would have to be proved, and that among the Conservative Senators were perhaps some who could not be convinced of "corrupt intent." So, after the conviction of the Governor, since the majesty of the law and the potency of constitutional government had been vindicated, no proceedings against the Chief Justice were instituted.

Judge Jones

Edmund W. Jones, Judge of the Second Judicial District, a man notoriously addicted to drunkenness, was impeached by the House on March 27, and S. F. Phillips and four other members having been appointed managers, the Senate sat as a court of impeachment on March 31. Then the Governor informed the House that Judge Jones had tendered his resignation and the House thereupon withdrew its articles, and Judge Jones was allowed to resign.

John Pool

On the last day of March the Assembly raised a joint committee to inquire into the conduct of Senator John Pool, reciting that from the testimony of Judge William J. Clarke in the impeachment trial it appeared that Senator Pool had advised Governor Holden in the course the Governor had pursued, and that it was understood that he had urged the Governor of the State to put in command of a military force one Mac. Lindsay, a most desperate and lawless man who would arrest and summarily dispose of every prominent citizen who opposed the policy of the Republican party, without the useless form of a trial; and that he urged that the Governor should pursue the same course as Governor

Clayton of Arkansas, who had arrested and executed, without reference to the civil law, every individual who opposed his policy. When the committee examined Richard C. Badger and Isaac J. Young, the testimony was in accordance with these statements. But on the floor of the United States Senate, when confronted with Badger's testimony, Senator Pool sought to explain that there were two or three talking and that Badger got their views mixed; however, Mr. Badger had testified that he "had at once declared Pool's suggestion to be infamous." And Mac. Lindsay, as benevolent-looking a man as a bishop, reminding one of Jenkinson in the *Vicar of Wakefield*, himself declared that he had never been a pirate as supposed, and was not quite so bad a man as John Pool had represented him. It was said that one of the Conservatives he was expected to lose was Governor William A. Graham.

Leg. Acts,  
1870-71, 489

Sentinel,  
April 8

On April 6, being the hundredth day of the session, the Assembly adjourned. It had raised the standard of economy and had sought to march steadily under that banner. Various were the changes made in the laws to eliminate as far as practicable the unnecessary alterations introduced by the preceding Assembly. A new county was established in the mountains and named Swain in honor of the late President of the University. A committee was raised to report on the University. The year just ended fifty-three pupils had entered, it being now a free school and a part of the free school system. This committee composed of Edmund Jones, T. A. McNeill and E. B. Lyon reported that "under the existing conditions the University cannot prosper, and it is considered by every one to be a total, miserable failure." Reorganization was deemed necessary.

The As-  
sembly

The Uni-  
versity

Among other changes to be noted was a requirement that voters were hereafter to vote in the townships where they lived and were registered, and they were no longer required



to vote on a single ballot. By an act of April 6, the power vested in the Governor to appoint State proxies and directors was annulled and this power was conferred on the Speaker of the House and President of the Senate, and the speakers exercised the power so conferred. But the Governor claimed that all such appointees were officers within the meaning of the Constitution, and eventually the Supreme Court sustained his view. But the public printer was held to be only a contractor.

## CHAPTER LXVII

### BOND'S PROCEEDINGS

Circuit Court judges.—Bond.—The Ku Klux.—The Enforcement Act.—The Scott committee.—Saunders.—Affairs in Rutherford County.—Biggerstaff.—Judge Logan.—J. M. Justice.—The arrests.—Hester.—June court.—Bond.—The convention campaign.—B. F. Moore.—Governor Caldwell.—The press.—Arrests without warrants.—The convention defeated.—The Federal Court.—The arrested.—Starbuck.—Plato Durham.—Rev. J. B. Smith.—Randolph Shotwell.—Young men flee.

#### The Federal Court—Bond

The entire State at that period constituted the District of North Carolina for which there was a district judge, who together with a justice of the Supreme Court held the Circuit Court in the district, the states of the Union being apportioned to nine judicial circuits. North Carolina was in the Fourth Circuit, composed of Maryland, Virginia and the two Carolinas. On April 10, 1869, by an act of Congress, a circuit judge was to be appointed for each circuit. On July 13, 1870, Hugh L. Bond of Baltimore was appointed Circuit Judge of the Fourth Circuit. Judge Bond, while learned in law, had the firmness desirable in the judicial office and likewise some of the qualities that characterized Judge Jeffreys of the time of Charles II. On May 31, 1870, Congress passed a rigid act with respect to elections of Representatives in Congress, and to persons going about in disguise to intimidate others, and Judge Bond was well chosen to give effect to the purposes of the act. Quickly following Judge Brooks's action binding over Bergen and Kirk, Governor Holden appealed to Judge Bond to come to Raleigh and review Judge Brooks's action. Judge Bond did so. Bergen was in jail; Kirk was in the custody of Marshal Carrow, but on parole. Judge Bond heard the arguments but did not act until the Circuit Court met in November, when he released Bergen and also Kirk. While there were State warrants in Sheriff Lee's hands for each

Nov., 1870

Circuit  
Court judges



of these defendants, they were allowed to leave the State without the State warrants being executed. Up to the opening of December, 1870, Congress had perhaps been so dumfounded at the result of its carpetbag governments that it brought forward no new measures in regard to the South. In each Southern State there had been a reign of astounding corruption, the debt of some states being increased more than fifty millions of dollars, and negro rule under the carpetbaggers had resulted in so many excesses that the whole country was shocked. But when the Ku Klux operations began to attract attention an opening appeared for the Republicans to retrieve the situation. Although the Ku Klux did not aim at insurrection that cast was given to its activities and when Congress met in December, 1870, John Pool and General Abbott easily started proceedings. The President was asked to furnish information as to disloyal organizations in North Carolina. At that time none existed in the State, but that did not matter. A special committee was raised and the testimony of Joseph W. Holden, Colonel Kirk and James E. Boyd, as well as of some fifty other persons, was taken. One of the purposes was to deter the North Carolina Legislature from prosecuting the impeachment of Governor Holden, but it not only failed, it did not even prevent the passage of the resolution to investigate the conduct of John Pool.

The Ku Klux

April, 1871

The Enforcement Act

The Scott Committee

Later in April, after the adjournment of the North Carolina Legislature, and after it had passed an act suppressing and prohibiting all secret political organizations, Congress passed what was called the Enforcement Act, aimed at the suppression of the Ku Klux, and giving the Federal Courts jurisdiction of all complaints of any violation of the amendments to the Constitution; and a joint select committee of Congress was raised known as the Scott Committee to investigate alleged outrages in the Southern States. On this committee were Beck, Bayard, Sunset Cox, Blair, Alfred M. Waddell and some other Democrats; and while the action and report of the Republican members were bitterly partisan, the report and the speeches made by the Democratic members were fearless and patriotic to the last de-

gree. The whole subject of outrages by the carpetbaggers and negroes as well as by the Ku Klux organizations was exploited. Among the witnesses brought up for examination was Col. William L. Saunders, reported to have been the Emperor of the Invisible Empire in North Carolina. Notwithstanding threats to imprison him at the pleasure of the House, he quietly said: "I refuse to answer." But while the operations of the Ku Klux in the central counties had ceased in the summer of 1870, and quietude had reigned there undisturbed, in South Carolina, especially in the western counties near the North Carolina line where a large majority of the whites belonged to the Ku Klux, its activities continued. And they broke out afresh in 1871, in the southwestern counties of North Carolina. So while the testimony in regard to North Carolina covered all the State, yet particular attention was directed to affairs in Cleveland and Rutherford counties. On the night of Saturday, April 8, Aaron Biggerstaff in the lower part of Rutherford County was visited by a large crowd and whipped. His daughter said she recognized many of the assailants. The next morning as Judge Logan was starting to go to hold Cleveland court, Miss Biggerstaff met him and warned him that the Ku Klux were about; and he returned home and wrote to Governor Caldwell that he was deterred from going to Shelby by fear of personal violence. The people of Shelby hearing of his action, sent the Sheriff and a posse to meet him; and although he declined to accompany them, on Thursday he went on to Shelby alone and unattended. Judge Logan had many persons arrested and bound over. Later, when Biggerstaff and son and daughter were on their way to attend court at the trial of these men, they were assailed and turned back. Judge Logan then asked for Federal troops and these came early in May. But a month later, on June 11, J. M. Justice, a member of the House of Representatives from Rutherford County, a Republican lawyer and very active in prosecuting the Ku Klux, was the victim of an outrage. His attitude and conduct had been very exasperating, and on that night some eighty men took him from his house and treating him with indignity and

W. L.  
Saunders

Outrages

April, 1871

Biggerstaff

Judge Logan

J. M. Justice



cruelty carried him some distance into the woods and held a council at which he said his death was decreed, but after a while they released him and allowed him to return to his residence. These outbreaks in that part of the State brought the Ku Klux again into prominence and Judge Logan became busy issuing bench warrants for all whose names were presented to him, a large number being thrown into jail. Marshal Carrow sent out his deputies under a desperado, J. G. Hester, who arrested not only those bound over by Judge Logan but others, and held them for trial in the Federal Court. In two months over a hundred arrests were made, the prisoners being treated with great indignity. About the middle of June they were brought to Raleigh before Judge Bond, and although Plato Durham had powers of attorney to sign their bonds Judge Bond would not accept the security nor would he consent for a United States Commissioner to go with the prisoners to Rutherford County and take their bonds; nor for them to appear at Marion, where Judge Brooks was to hold a term of Federal Court in August. Thirty-nine of these men were held in prison at Raleigh. The others were bound over to appear before Judge Bond at Raleigh at a special term in September, and the jury was discharged, Mr. Phillips, then the Assistant District Attorney, directing the Marshal to summon as new jurors only those who were inclined to commit the prisoners.

The arrests

Hester

June court

Bond

### **The convention campaign**

While these proceedings were in progress the convention campaign began. The Conservative members of the Assembly issued an address to the people urging the need for a convention to amend the Constitution and they announced a campaign committee for each district, with a central committee at Raleigh, on the latter being Governor Bragg, Judge Merrimon, R. H. Battle, J. J. Litchford and C. M. Busbee. Later this central committee issued a stirring address pointing out the changes proposed. At Washington City, it was considered that the purpose of the movement was to beget a disloyal and insurrectionary spirit in the State; but B. F. Moore, appearing before the Scott Com-

Sentinel,  
April 15

mittee, made a strong statement to the contrary and explained that although Governor Caldwell and some other Republicans held that the movement was not authorized by the State Constitution, yet it was lawful and proper, as it was based on the sovereignty of the people. While Governor Caldwell thought the Constitution should be revised, and some other Republicans also concurred with him, yet they generally opposed the movement. The Conservatives on the other hand all favored it. All the Conservative newspapers, twenty-seven in number, pressed for it, while the seven Republican papers were arrayed against it. The campaign called out all the public men on the hustings. Attorney-General Akerman spoke as the mouth-piece of the President against it, warning the people that Congress and the President would withdraw their recognition of statehood from the State if the people persisted. The negroes were told that it threatened their rights, and were rallied in the opposition; and many whites feared lest it might lead to complications and trouble. Marshal Carrow was pliant and flexible, and his deputies under the notorious Hester were enthusiastic in their congenial work. Warrants were not necessary. The example Governor Holden had set of making out lists of men to be arrested was followed. The gates were ajar, to open and close in on any they wished to arrest. Mr. Phillips had now thrown off every association of the past and entered with zeal on a new career. He became chairman of the Republican organization and wrote the Republican address, declaring the act, submitting the question of a convention to the people, unconstitutional and defending the Constitution of 1868, warning the people that tampering with it would result in Federal interference.

Such was the Republican argument. However, under the act the Convention could consider no changes inconsistent with the Constitution of the United States or to impair the rights or privileges guaranteed by the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution, or to modify the homestead law, or the Constitution with respect to mechanics' and laborers' liens, nor could it pass ordinances of a legislative character; and no proposed

The press

Sentinel,  
April 20Hamilton,  
567

The arrests



Leg. Acts,  
1870-71,  
330

The conven-  
tion defeated

amendments could have any validity until ratified by a majority of the qualified voters of the State. This convention movement failed; of the 181,259 votes cast at the election, 95,252 were against the convention, 86,007 were for it, the majority against it being 9,245. The Conservative vote was three thousand less than that received by Judge Shipp the year before; but the aggregate vote for delegates was different; the Conservative candidates receiving 84,300 while the Republicans received only 74,510 and sixty-one Conservative delegates were successful as against fifty-nine Republicans. Evidently the result of the campaign had turned on apprehension and fear of consequences. Still it was disheartening to the men who had hoped to relieve the State from the incubus of some of the features of the Constitution.

### The Federal Court

981 arrests

Starbuck

The election being over, the judicial campaign against the Ku Klux was now pressed with vehemence. In September, Judge Bond began his proceedings. The Court was held at Raleigh. Among the names of 981 persons reported by District Attorney Starbuck to the department as indicted, are to be found James Madison Leach, Fred N. Strudwick, David Schenck, Allmand A. McKoy, Owen Holmes, David Cochran, R. N. Robertson, Thomas McIntyre, W. D. H. Covington, William Ledbetter, Col. L. M. McAfee, Lewis Mitchell, Plato Durham, Rev. John Britton Smith, William B. Hanes, Randolph A. Shotwell, and hundreds of others that stand and had ever stood for virtue, honor and respectability in their respective communities. District Attorney Starbuck found in his work congenial employment. In association with Hester and the other Federal instruments of that day, he played his part according to his moderate intelligence. He, however, reported that "the conviction of some and the indictment of this large number seem for the present to have broken the power of this widespread conspiracy against the friends of the Union; yet the utmost vigilance will be necessary to suppress the spirit of treason lurking in the hearts of the disaffected and treacherous enemies of the government." As for many of

these men indicted by the picked grand jury, there was no substantial fault to be found. Plato Durham, who, because of his patriotic service in the Legislature and his devotion to the cause of civilization, was particularly obnoxious to them, although arrested and indicted was so free from blame that even Starbuck, Phillips and Bond had to abandon the prosecution. He bore himself with exemplary manhood, but unhappily and unfortunately for the State he did not long survive the exasperating trials of those trying days. A singular case was that of Rev. J. B. Smith, a Northern Episcopal clergyman sent to Raleigh to conduct a negro school. He was of Republican sympathies and was mindful of the duties with which he was charged to elevate and benefit the negroes. He was guilty of telling a negro boy, not of voting age, that he could not vote, and that being his offense he was indicted under the Ku Klux Act, but Judge Bond did not have the pleasure of imposing a sentence. He died. There were thirty-seven convictions. On some a fine of \$50 was imposed; on others imprisonment for one, two or three years. On one, imprisonment for four; and on two for six years. Of these two, the case of Randolph A. Shotwell called for the highest public sympathy. The historian, Moore, said: "The records of State trials contain no more inhuman instance of useless and wanton oppression than was seen in the case of Randolph A. Shotwell. His real offense did not consist in any violence inflicted upon the people who complained of Ku Klux evils. Justice, the man who stood as prosecutor in the cause, wherein the jury convicted, did not allege graver misconduct in his visitors than what would be fairly considered forcible trespass. Yet from the fact that Shotwell was commander of his county camps he was singled out in defiance of all propriety, and punished for the crimes of other men. The fact that he had vigorously conducted a Democratic newspaper and had been engaged in a personal difficulty with Lusk, the assistant attorney for the government, led to the determination to make him an example for the terror of many thousands. Captain Shotwell had been delicately reared and manifested romantic courage and de-

Smith's case

Moore, II,  
371

Randolph  
Shotwell



votion as a soldier in the war. High-strung and sensitive by nature, his tormentors supposed he would shrink from the shameful punishment proposed and make such disclosures and concessions as they desired. They mistook their victim, for no Roman ever showed more fortitude. He rejected all their proposals and suffered imprisonment for three years."

Hamilton  
Reconstruction,  
579

And says Hamilton in his admirable and comprehensive work on Reconstruction: "Shotwell had assumed the position of chief at the request of a number of leading men in the hopes of checking the movement. He had never been in a raid nor ordered one and had sought to prevent the raid on Justice. Relying on his innocence, he stood his trial without much fear of conviction. The false evidence against him had been carefully prepared. As soon as sentence was passed upon him, he was tied with ropes in the presence of the Court and carried in that condition through the streets of Raleigh, not because there was any fear of his escape, but simply to humiliate him and for the effect it would have upon the public. When he was being taken to Albany, C. L. Cobb, on behalf of the President, offered him immediate pardon if he would implicate some of the leading Conservatives in the State, and after reaching Albany, Gerret Smith, at the request of President Grant, made a similar proposal to him."

It was indeed a time of tribulation and trials. The course of events had led many to associate for the safety of their communities, and here and there had been acts of lawlessness and now the administration had tortured these offenses into insurrection and disloyalty. The Court was a machine that offered no hope of fairness and justice. There was an exodus of many who had cause of apprehension. Many young men left the State and fled for safety. Packed juries and perjured witnesses, controlled by Judge Bond, were direr to their imaginations than all the tempest of death at Gettysburg.

## CHAPTER LXVIII

### CONSERVATIVES CONTROL LEGISLATION

The new conditions.—Currency.—Banks.—Interest.—Transportation.—No schools.—Robeson County.—Wilmington prospers.—The movement to Georgia.—State finances.—Revival of manufactures.—The Assembly meets.—Caldwell's message.—Ransom elected Senator.—Constitutional amendments.—The North Carolina Railroad.—The State debt.—Women's property.—The end of the Assembly.—The penitentiary.—Death of Manly and Bragg.—The Western District.—Judge Dick, Boyden, Settle, Bynum.—The campaign of 1872.—Social equality.—The nominees.—Republican leaders revolt.—Horace Greeley.—Grant.—The press.—Neill McKay.—The great campaign.—The result.—The Republicans carry the State.—The Assembly conservative.—Robinson Speaker.—The Governor's message.—The contest between Vance and Merrimon.—The long contest.—They withdraw.—Merrimon elected.—Resulting divergences.—Constitutional amendments.

#### The new conditions

The collapse of the Confederacy in April, 1865, left the people with no currency, and generally with nothing to sell; nor would there have been any purchasers, except a few Northern speculators later came to the market towns to obtain Southern products, of which the North stood in need. Cotton, for instance, was at first very high, but then dropped down year by year. Naval stores, spirits of turpentine, tar and rosin also were high. Fortunately there were many beds of low grade rosin at former distilleries that were now valuable. Every effort was made to bring to market products of value. Presently some United States money became current and within a year life began to take on its usual course. The railroads, although much worn out, were running and there was the former transportation. Happily the seasons for the production of crops were good and after a year or two families became comfortable, everybody at work, making the best out of a bad situation. The United States paper currency had continued to depreciate in comparison with gold, so that the relation was three paper dollars for two of specie, and prices were high. Also, when the industry of the people had made requisite ordinary business facilities, there was an obstacle to the reestablishment of civilized methods.

Trade

No banks



Before 1874

The old State banks were no more; Congress had virtually forbidden State banks by imposing a heavy tax on their issue and it had so limited the number of National banks that in 1867 only ten new banks could be established in the entire Union, and in the following years, respectively, only 12, 9 and 22, and of these the North got the lion's share. So only two or three banks were in that period allowed to North Carolina. The State was virtually denied banking facilities, as were all the other Southern States. Such an infliction on the Southern people at a time when the victorious North, rolling in its wealth, might well have desired the prostrated South to have become a general scene of contented and profitable industry, recovering from the losses of the war, cannot be too bitterly stigmatized. Even in 1870 the usual rate of interest was eighteen per cent while often more was exacted for the loan of money. As the old State banks were closed while their notes were outstanding, and they held the obligations of their former patrons, their notes being of uncertain value, were bought up by speculators at a low price, and after the passage of the Bankrupt Act of 1867, the banks went into bankruptcy.

The rail-  
roads

The Wilmington and Manchester Railroad from Wilmington to Kingsville, S. C., was dismantled in 1865, and two years later was sold, the purchasers being Walters, Newcomer, Shoemaker of Baltimore, and a few others, who completed it to Columbia. These gentlemen having later bought out the State's interest in the Wilmington and Weldon in 1872 leased that road for ninety-nine years. The Atlantic and North Carolina Railroad from Goldsboro to New Bern having fallen into the hands of the Federals during the war was virtually out of business until after the war the State revived it.

The Wilmington and Charlotte road was in operation, as were the Wilmington and Weldon, the North Carolina, and Raleigh and Gaston; the Piedmont road from Greensboro to Danville, the Western road from Fayetteville to Egypt. The Atlantic and Tennessee from Charlotte to Statesville was completed in 1863, but then its rails were

removed to build the road from Greensboro to Danville. It was, however, reopened in 1871.

The interruption of the common schools had deplorable consequences. During the war they had not only been maintained but Superintendent Wiley had introduced graded schools; still their efficiency was more or less impaired, and in 1865, for want of money, the entire system was necessarily abandoned. The invested \$2,500,000 educational fund had been rendered worthless by the conquest and overthrow of the State. The schools had not been reopened. For five years the children had not been taught and according to the census of 1870 there were 70,860 children between the ages of ten and twenty-one who could not write, and the illiterates over twenty-one years of age were 96,000. Such was one of the fateful incidents of Mr. Lincoln's unnecessary war, supplemented by the reconstruction policies of Congress. But the State now was in other hands. The appointment by Governor Caldwell of Professor McIver as Superintendent of Public Instruction was an excellent one. At the instance of the Legislature, he framed a school bill. It provided for private aid to the public schools. The school fund for the school district was to be supplemented by private subscription and the schools were to be free. This measure passed the House unanimously and went into operation in March, 1872, when the public school system began again to function after an interval of seven years.

In Robeson County, during the war, some Indians and mulattoes had "banded themselves against the whites, and engaged in murder and robbery." This was continued after the war. It was not founded on the circumstances that later led to the Union League and Ku Klux. While at its height in 1865, it continued with varying intensity until 1871. The robber band was known as the Henry Berry Lowry gang. Many whites were murdered and much pillage was done and many houses burned. In a measure these robbers living in the swamps devastated the county and could not be suppressed. At length in March, 1871, F. M. Wishart, Murdock A. McLean, George L. McKay, Franklin and John S. McKay, W. H. McCallum and I. Douglas and

The schools

1871

Robeson  
County



Archie McCallum, Archie I. McFayden, Malcolm McNeil and Faulk Floyd entered on a campaign against the murderers and eventually succeeded in ridding the county of them.

### **Wilmington prospers**

The situation at Wilmington was hopeful, perhaps more so than at any other point, but measurably the improvement there had a counterpart elsewhere. It was necessarily handicapped for the want of bank facilities. Wilmington, however, had the advantage of an established trade with the West Indies and not only sent cargoes out in that direction, but imported cargoes of sugar, coffee, molasses, salt and fruits; while that was the depot for exporting to Europe as well as northward naval stores, receiving in return manufactures, and the commerce of the port had been constantly increasing. While the production of rice had ceased, that of peanuts—a crop introduced in the vicinity before 1855—was worth \$200,000; cotton, stimulated by the high price, had considerably increased. At Wilmington it was estimated for the State at 200,000 bales and the exports from that town had in 1871 reached 95,000 bales, the census figures in 1869 being 63,000,000 pounds. And the British mills that during the war had adapted their spindles to the India staple, had now changed back, making an additional demand for our American staple, and the price became steady at about thirty cents a pound, which brought prosperity to the cotton-growing communities. Spirits of turpentine was largely manufactured at Wilmington and “the whole pine region is dotted with numerous distilleries.” Its exports of 1871 were: spirits, 112,000 barrels; rosin, 568,000 barrels; tar, 38,000 barrels; and 18,000 of turpentine. And the timber and lumber trade, shingles and staves had constantly increased.

However, the lucrative business of making turpentine, spirits and rosin about this time began its decline. Gradually coming down from the Pamlico region, it had been very important in the eastern counties where the turpentine

pinces abounded. But now the business was measurably transferred to the virgin forests of Georgia, carrying both white operators and negro workmen. In subsequent years the loss was greatly felt.

Loss of  
naval stores

The general condition of the people may be seen in the following figures from the Auditor's report for the year ending September 30, 1870:

Acres of land, 26,811,860, assessed at \$69,990,991, being about \$2.50 an acre; town lots, \$9,566,323; live stock, about \$20,000,000; being horses valued at \$65; mules, \$79; cattle, \$7; hogs, \$2. An acre of land was more valuable than one hog, but 30 acres were less than a mule.

The State's  
finances

With some counties unreported, while the poll tax brought in \$108,987, the land tax was \$221,367; livestock, etc., brought in \$67,300, and money on hand and credits, \$49,000.

The county taxes were about half those of the State. The poll and some other taxes were for school purposes.

### Revival of manufactures

According to the census there was in the State in 1869, 3,642 manufacturing establishments, with a capital of \$8,140,473, employing 13,500 hands, chiefly males, the wages being \$2,195,711, and cost of material \$12,824,000 and value of products \$19,021,327. The production of tobacco on the farms was in that year 11,150,187 pounds and the manufacture of tobacco was well begun at Winston and Durham. On the whole the progress had been constant and gratifying. Indeed, at the session of 1871-1872 there were so many applications for industrial charters that the then Chairman of the Finance Committee addressed the House on the subject, pointing out this indication of the association of capital and the hope it gave that the State had entered on favorable conditions, and substantial progress might now be expected.

### The Assembly meets

On the 20th of November, the General Assembly met in regular session. The next day Governor Caldwell sent in his message, in which he said: "It behooves us all to throw

1871



Caldwell's  
message

the mantle of oblivion over our differences and devote our energies to raising up our beloved old commonwealth"; but still he was true to his own convictions. He recommended an adjustment of the public debt; called attention to the Swazey suit in the Federal Court, by which the holders of bonds issued to purchase stock in the North Carolina Railroad had a lien on the dividends for their interest and on the stock for the principal. He suggested the closing up entirely of the University and likewise suggested five amendments that he thought should be made in order to reform the Constitution. Governor Caldwell mentioned that on March 31, Judge Thomas Settle had resigned from the Supreme Court and after Mr. Phillips had declined the appointment, he had appointed Hon. Nathaniel Boyden. On May 3, Judge Settle had been appointed Minister to Peru by the President. A. W. Fisher had resigned and John C. Gorman had succeeded him as Adjutant General. S. S. Ashley had resigned and Professor Alexander McIver had replaced him. All of these appointees were improvements on their predecessors. On January 20, 1872, Governor Vance tendered his resignation as Senator, which being accepted, ten days later, after a caucus in which Judge Merimon was strongly supported, General Ransom was nominated. Ransom was elected by the full Conservative vote; and his disabilities having been removed two years earlier, he asked admission to the Senate. But General Abbott now claimed that as Vance was under disabilities at the time of his election and was ineligible, he, Abbott, was the elected Senator, and the matter was referred to a Senate committee. On April 23, the Senate disallowed this claim, but awarded him per diem up to that date, and on April 24, General Ransom was sworn in as Senator. Since the method of amending the Constitution by a convention had failed, a bill was passed proposing to amend it in some sixteen particulars. In conformity with that method, the bill had to be passed by a three-fifths vote; and then by a two-thirds vote of the succeeding Assembly it was to be submitted to the people for ratification or rejection.

Ransom,  
Senator

Amendments  
to Constitu-  
tion

N. C. Rail-  
road

The North Carolina Railroad having been leased by the directors to the Richmond & Danville Railroad Company,

a legislative committee was raised to examine into that proceeding and made an exhaustive report. This lease was, indeed, a virtual abandonment of the North Carolina system and made the future of our North Carolina interest largely dependent on Richmond, and the Finance Committee brought to the attention of the House that the bonds issued in 1849 for the construction of the North Carolina Railroad carried liens on the stock and dividends to the bondholders. These liens were later declared by the Federal Court in the case brought by Swazey to enforce them.

Leg. Doc.  
27, 1871-2

The subject of adjusting the State debt was taken up in the House and a measure proposed by Ashe, Chairman of the Finance Committee, was passed by the House, but the Senate passed a different bill and although that was deemed an impracticable measure, yet because of the divergent views, it was allowed to pass the House; as feared, it proved without avail. At a subsequent Assembly, the House proposition was with some minor changes adopted and became effective, being accepted by the bondholders.

State debt

Among many remedial acts were those making women engaged in business traders, allowing contracts between husband and wife and making the savings from a wife's property her separate property; also new election laws and much local as well as general legislation.

Women's  
property

### End of the Assembly

Thus drew toward its close in some respects the most notable Assembly since the Provincial Congresses. Elected as if in a whirlwind in the time that tried men's souls in 1870, sweeping from power the corrupt emanation of the conquerors, it had with prudence, if by a strong hand, restored constitutional government, reversed the policies of the carpetbaggers and the negroes, and measurably consolidating the discordant white factions, had rescued the State from the dangers that threatened its civilization. Perhaps no other body ever met in the State under conditions requiring so truly clear vision and determined action founded on patriotism and prudence.



Fortunately the leadership and prevailing spirit were equal to the emergencies. During those long months of intense action, there was no whisper of personal ambition on the part of a single member. The former soldiers of Lee and Jackson, now doing their duty in seeking the interest and happiness of the people of the State, felt that the nightmare of the past was behind them, even the vote for delegates to the defeated convention affording some assurance of the growing strength of the Conservative element, and a reasonable expectation of victory in the approaching State election. Their work being finished the Legislature adjourned and the first chapter under the new conditions was closed.

The penitentiary having been sufficiently finished in 1871, was now receiving convicts, the work being done under the supervision of W. J. Hicks, who had the confidence of all parties.

#### **Death of Manly and Bragg**

May, 1871

During this period of political excitement, when manhood was subject to a strain and tension, the people were called on to mourn the death of Charles Manly, who was Governor of the State in 1848, a brother of Judge Matthias Manly and of Bishop Manly, and in whom was combined every excellence of character. On the 19th of May, President Davis visited Raleigh, remaining there several days, during which the citizens paid him that attention which was in consonance with their veneration for his lofty character and public services.

Then, on January 21, 1872, Governor Bragg, after several months of failing health, died. The next day at a meeting of the bar in the Supreme Court room, Chief Justice Pearson presiding, Governor Caldwell announced that the funeral would be that afternoon, and that the members of the Court and of the bar would attend as a body and be in the procession at the funeral. The funeral was attended by an immense concourse of citizens. The next day, at a meeting of the bar in the Supreme Court, now presided over by the Chief Justice, resolutions were adopted, giving "expression to our feelings of admiration for his character and for a sincere

tribute of respect for his memory." Governor Bragg was, indeed, one of the most eminent of Carolinians whether we regard his great services to the State, his attainments or his inflexible integrity. No other Carolinian was superior to him in purity and noble conduct, while for massive intellect and learning he was the equal of any of his generation. Earlier George V. Strong, who had been the partner of Hon. W. P. Dortch at Goldsboro, had moved to Raleigh and had become the partner of Governor Bragg; and on Governor Bragg's death, Hon. W. N. H. Smith, who had moved from the First District to Norfolk, returned to the State and was associated with Mr. Strong in the practice of his profession at Raleigh.

### The Western District

Early in 1872 the State that had formed one Federal District was divided, and the Western District was laid off, embracing the counties of Richmond, Moore, Chatham, Orange and Person and westward to Tennessee. Judge Dick of the Supreme Court was appointed the judge of that District June 7, 1872, and Virgil S. Lusk became the District Attorney, and Robert M. Douglas the Marshal. To succeed Judge Dick in the Supreme Court, Governor Caldwell appointed, on December 5, 1872, Thomas Settle, who after a brief sojourn in Peru, had resigned and had unsuccessfully sought the nomination for governor. Justice Boyden dying on November 20, 1873, Governor Caldwell the next day appointed William P. Bynum, who had been a lieutenant-colonel during the war, and for ten years solicitor, and was a man not only of much learning but of high integrity. Notwithstanding the established reputation of the Chief Justice, Judge Bynum was considered by some as the superior judicial character on the bench.

Dick, Judge

Boyden,  
Settle,  
Bynum

### The campaign, 1872

Immediately on the adjournment of the Legislature the campaign began. The Republicans held their convention at Raleigh on April 17. James H. Harris was made temporary

April, 1872



1872

Social equality

Goodloe's pamphlets

Caldwell

The convention

chairman in recognition of the eighty thousand negro voters. He declared that the time had come when the negroes demanded social equality, not only in the cars, but the tables and in the parlors of the hotels; and, indeed, social equality was in the atmosphere. Racial differences were to be eliminated by law. Measures to that end had been introduced in Congress and when advocated in a great speech by Sumner, D. R. Goodloe made a strong reply, showing that the clause of equality in the Declaration of Independence related to justice and not to moral and intellectual equality. He showed that in 1786 Massachusetts prohibited intermarriage between the races, and refused to repeal that law until 1843. Maine likewise prohibited it, and had in 1872 not repealed the act. Connecticut deprived negroes of the right to vote, as also Pennsylvania and New Jersey. In New York negroes had to have a property qualification. Indiana, Illinois, Wisconsin and Iowa not only excluded negroes from the polls and the witness box, where whites were parties, but denied negroes the right to settle in those states, and even Kansas and Nebraska excluded negroes from the polls and prohibited intermarriage. The bill did not then pass. Mr. Sam Phillips, now in entire accord with his Republican associates, was chosen as permanent presiding officer. Judge Settle desired the nomination for Governor, but Governor Caldwell was too strong for him and was chosen on the first ballot. Curtis H. Brogden, who had been Senator from Wayne, was nominated for Lieutenant-Governor. Treasurer Jenkins was renominated and W. H. Howerton for Secretary of State. Alexander McIver, who had made a good start as Superintendent of Public Instruction, was supplanted by Dr. James Reid, as McIver was opposed to Rev. Solomon Pool's continuing as President of the closed University.

The platform adopted was Republican to the core, recommending further legislation for the enforcement and protection of the civil and political rights of all classes, but it was in tune with Governor Caldwell, saying, with regard to the proposed constitutional amendments, "The Republicans can endorse a portion of said amendments." It requested the

United States Senate to seat Abbott instead of Ransom and it endorsed Governor Holden. A fortnight later, on May 1, the Democrats held their convention at Greensboro. Hon. John Kerr was permanent president, and Thomas C. Fuller, temporary chairman. Judge Kerr whose temperament was somewhat impulsive made a characteristic speech: "My friend has spoken of me as a martyr to liberty, a victim to tyranny. I felt more highly honored, my person subjected to their rude insults than I would be to shake hands with any scalawag official, however high in office." Speaking of Caldwell: "He has as good as told that you were all spared utter annihilation by the colored race because of their tender mercy. He told the colored people that they had the power to murder us, if they chose to." There was again some difficulty in securing a candidate for Governor. Vance would not consent. Then thoughts turned to Merrimon, for it was desirable to have a candidate not associated with secession and one that the western people would cheerfully support. Merrimon hesitated; but on it being freely said that if he were not elected, he would succeed John Pool in the Senate in case the Legislature was Conservative, he consented. Maj. John Hughes of Craven was nominated for Lieutenant-Governor. The platform took issue with that of the Republicans, declaring that "while we accept and faithfully abide by the Constitution with all amendments, including emancipation and equality before the law, we denounce that latitudinous construction which makes the discretion of Congress superior to the Constitution," and it declared against all secret political parties. Gen. D. M. Barringer was made Chairman of the Executive Committee, among the new members of which was Gen. W. R. Cox; and the organization was perfected. Among the nominations for State officers were John E. Womack for Secretary of State, Maj. John W. Graham for Treasurer, Judge Shipp for Attorney-General and General Leven-thorp for Auditor.

Merrimon  
for Governor



### At the North

1872

Republicans  
dismayedLiberal Re-  
publicansHorace  
Greeley

Grant

In the progress of events it came about that some Republican leaders at the North were dismayed at the course of their party, and broke away from the organization. Among those were Lyman Trumbull, David Davis, B. Gratz Brown of Missouri, Carl Schurz, Senator James R. Doolittle of Wisconsin, Charles Francis Adams of Massachusetts, Senator Tipton of Nebraska and Horace Greeley, one of the fathers of the Abolition party. Their position was defined in their address to the people, and in their resolutions, adopted at their National Convention held in Cincinnati May 1, they declared that the Republican administration had usurped powers not granted by the Constitution, and had acted as if the laws had binding force only for those who are governed and not for those who govern, and it had struck a blow at the fundamental principles of constitutional government and the liberties of the citizens. On the first ballot for the presidency, Adams received 205 votes, Greeley 258, with 150 scattering. Unfortunately, in the next ballot the Convention turned to Greeley, who received 482 votes to 187 for Adams. Had Adams been nominated the result of the election might have been better. Gratz Brown was nominated for the vice-presidency. A month later, June 5, the Republicans held their convention at Philadelphia, Judge Settle, who resigned as Minister to Peru, presiding. They nominated Grant and Senator Henry Wilson of Massachusetts. On July 9, the Democratic Convention met at Baltimore. It was considered best to present an object lesson to the people of the Northern States certifying the national character of the Southern Democrats by accepting as their candidate for the presidency, Horace Greeley; and with the hope that that might assuage the bitter sectionalism of the Republican people. On the first ballot Greeley received nearly the unanimous vote of the Convention. Indeed, Greeley's prime purpose, the abolition of slavery, being accomplished, he had manifested in many ways a kind feeling for the Southern people.

And now Raleigh, always a center of political action, became more important and active than ever. The *Standard* had disappeared and the *Era* had taken its place as the Republican organ. The *News* had been removed by Jordan Stone from Weldon to the Capital. The *Sentinel* was aflame. The Executive Committee began to send out documents. J. J. Litchford, the Secretary of that Committee, devoted himself for months continuously to that work, and in June *Blasting Powder*, a campaign paper, was begun, with John Spelman and S. A. Ashe as editors. The canvass was hot from the beginning. In the meantime the candidates for Congress had been nominated in the several districts of the State: Carter, Kitchin, Waddell, Leach, Thomas S. Ashe, Robbins, R. B. Vance. In the Fourth District the Convention nominated Josiah Turner, but he declined and S. H. Rogers was substituted. The reason for his refusal was not then understood; but it developed that he thought he would be sent to the Senate. Carter and Rogers failed of election, their defeat being ascribed to their personally fraternizing with their opponents, thus in a measure vouching for their personal respectability and relieving them from the general charges of misconduct attributed to Republicans. In the campaign Neill McKay in the Third District said on the stump to the negroes: "Rally this last time and carry the election and there will be no kitchen and no parlor"; and Alfred Waddell walked over the District, while James Madison Leach had 680 majority. Judge Thomas Settle, who, after being disappointed in not securing the nomination for Governor, ran for Congress, meeting with defeat, but later was seated once more on the Supreme Court bench. In the New Bern black district, C. R. Thomas was elected. During that campaign as in the previous ones, no former Democrats were selected as standard bearers, all old-time Whigs. Vance entered into the canvass with vigor, and the other leaders as well; but the great campaign was made by Judge Merrimon. He often spoke four hours at a time and with much force and vigor, and the State rang with applause at his great efforts. The election coming off in August, prior to that of any

1872

The press

Nominees

The election

McKay

The great efforts



Northern  
orators

The arrests

Republican  
majority

The presi-  
dential elec-  
tion

other state, much importance was attached to the probable effect in other states, and so it happened that for the first time, Northern Democrats sent funds to the Executive Committee for campaign purposes. The poverty of our public men was so great that this aid was most helpful. Then in addition, Senator Doolittle made some of the grandest orations ever delivered in North Carolina, and others equally famous also came to aid in the campaign. But the Republicans were not sleeping. Grant's Cabinet officers, Boutwell and Delano, and the candidate for the vice-presidency, Wilson, and many other Republican leaders came and around them gathered their friends. Money was unlimited and patronage was plentiful. And, besides, Marshal Carrow's deputies were everywhere. His expenditures increased from \$5,000 to \$250,000. Twelve hundred citizens had been indicted by February; and before the election this number had been nearly doubled. In the Republican counties the election machinery was in charge of Republicans. Over two hundred negroes were fraudulently registered in one township in Halifax County. Nine hundred were sent from Washington City to Norfolk and thence distributed throughout the State. In Halifax, Caldwell received 3,640 votes, while four years earlier Holden's vote was 3,080, and so it was in most of the negro counties, the vote cast being largely in excess of the real voting strength. Nor were the Republicans' efforts without avail. Caldwell's aggregate was 98,132 and Merrimon's 96,234. Judge Merrimon was beaten. There was, however, some comfort to the disappointed Conservatives; both branches of the Assembly continued Conservative. The presidential election remained, but the Conservatives had but little hope. Their willingness to vote for Greeley was taken at the North as base pusillanimity; the tender of the olive branch to Northern sentiment was denounced as a vile prostration to secure power in the government. There was entire accord between the Conservative committees and the executive committees of the liberal Republicans, but the contest was hopeless from the beginning. While Grant's vote fell to 94,304, Greeley's fell to 70,322, being 26,000 less than Merrimon's. In the Union Greeley was badly beaten; then he sickened and died.

Presently Vance's particular friends began to suggest that Merrimon should contest Caldwell's election. Judge Merrimon was willing if sufficient frauds could be proved to justify a contest. A committee was charged with the duty of making a particular examination. Eventually on October 20, at a meeting of the State Executive Committee, this committee reported the results of its investigations. However dishonest had been the registration the evidence was not at hand to show conclusively that Caldwell had not been legally elected. It was suggested that the Assembly would be able to vote Caldwell out and Merrimon in; but Merrimon said he could be no party to any proceeding not founded on legal right and justice. The State Committee declined to recommend a contest. The matter was dropped.

### The Assembly

The Assembly met on the 18th of November, 1872. Among the Senators were John W. Dunham, W. A. Allen, L. W. Humphrey, John W. Norwood, John W. Cunningham, J. Turner Morehead, James T. Morehead, Jr., John M. Worth, R. P. Waring, W. P. Welch, W. L. Love and A. S. Seymour; in the House being R. T. Bennett, T. D. Johnson, Edmund Jones, J. M. Moring, V. V. Richardson, J. D. Stanford, J. L. Robinson, H. A. Gudger, John E. Brown, S. W. Reid, Pride Jones, Montford McGhee, T. A. McNeill, David Settle, Kerr Craige and Richard C. Badger. Twelve negroes were returned to the House and two to the Senate. The carpetbaggers had virtually passed out. James T. Morehead of Guilford was elected President of the Senate, and for Clerk William L. Saunders, one of the editors of the *Wilmington Journal*, was reëlected and W. H. H. Cowles of Wilkes was assistant. In the House James L. Robinson, who had been associated with Jarvis and Dunham and John W. Graham in their admirable work in the previous session, was chosen Speaker; a fine soldier during the war, a nephew of Governor Swain, having the confidence and respect of the western people, his election to the Speaker's chair gave great satisfaction. He uttered as a keynote what was in the hearts of his colleagues:

1872

Nov., 1872

Robinson



“Let party ambition and party strife be buried here, in the presence of the great interests of our people. Let us strive to promote their prosperity and well-being by a faithful application to our duties and the enactment of such laws as the good of society and the business interests of the State may demand.”

Caldwell's  
message

Stephen D. Pool of Craven and Col. W. M. Hardy of Buncombe were chosen clerks. Governor Caldwell sent in his message, a very long document, urging the doctrines and purposes of his party, and pointing out the inequalities of the congressional and senatorial districts as they had been established by the previous legislatures, which he declared was a gross outrage upon popular rights.

Merrimon  
and Vance

As soon as the Democratic caucus met trouble was discerned in regard to the election of a United States Senator. It developed that some members had been nominated only on their pledging their support for Governor Vance; and Vance told Merrimon that there was no use for him to seek the nomination as a majority of the Democratic members were pledged to him, Vance. Merrimon then took the position that if the members of the caucus had been pledged in advance he would not go into the caucus, as it was not a free caucus. The caucus was held and Vance was understood to have received one majority and to have been nominated. Under the act of Congress, the Legislature voted for Senator on November 26, but there was no election. A number of members from the mountain counties claimed that their people preferred Merrimon; but their refusal to abide by the action of the caucus would not of itself have prevented Vance's election. His election was defeated by Senator Lott W. Humphrey of Onslow County. It was the aftermath of one of Vance's first actions when Governor in 1862. Ten years had elapsed and time brought its revenge. Humphrey had been a Secessionist, had early raised a company of cavalry and had been elected colonel of the regiment, and although not commissioned had been recognized as such by Adjutant General Martin. Just then Vance was sworn in as Governor and, animated by a purpose to do justice to Whigs who had been against seces-

Humphrey

sion, he refused to commission Humphrey and appointed John A. Baker colonel of the regiment, a man who had not been in the military service at all and had no connection whatever with the regiment. Humphrey's former position as captain had been filled by his company; so he raised another company; but his treatment by Governor Vance rankled in his breast. He now evened up matters between them and controlled enough votes, along with Merrimon's mountain adherents, to prevent Vance's election. Day by day the vote stood: Vance 78, Merrimon 20, Pool 72—no election. For about a week there was the most intense interest and excitement. At length on Merrimon's declaring that he would retire if Vance would withdraw, there was a mutual agreement that both would retire. Each abandoned the contest. As Vance was leaving on the train, Bryson, a representative from Swain, who had stood for Merrimon, implored him to come back, saying: "My people preferred Merrimon, but next to him, you. I cannot go back to them if neither of you is elected." But Vance left the city. On Monday, December 2, the Democrats scattered so that while nine voted for Merrimon, there were some eighty other persons voted for, no votes for Vance. The next day, December 3, another caucus was held, the caucus running into noon, the hour for the joint session; and Vance was nominated again. It happened that Judge Merrimon was engaged in a case in the Federal Court and perhaps had not heard of the caucus action at all when the news was brought that in the joint session he had been elected. The joint session was held in the hall of the House. Cowles nominated Vance; Senator Love nominated Merrimon. As the names of the Republicans were reached they began to vote for Merrimon, and then the Merrimon Democrats and those opposed to Vance voted for him, so that he received 87 votes, while Vance received but 80. Merrimon was in the midst of a speech when this news came to the Court. Judge Brooks stopped all proceedings. Merrimon, very much agitated, conferred with Governor Graham and others, who advised him to accept the election. He did so, and thanked the Republicans for voting for him,

1872

The long  
contestThey with-  
drawMerrimon  
elected



saying, however, that he was the same Democrat that he had ever been, and that he would ever remain so.

At first, while there were many disappointed that Vance had again failed to attain the coveted position of Senator, yet there was no disposition to regard Judge Merrimon otherwise than he had been regarded and esteemed in the trying days of recent years and when he was the candidate for Governor. He was among the most forceful of the public men, a man of singular purity, and while not college bred he possessed such a capacious mind, such strong intellect, such logical powers and had been so trained in his profession that he ranked among the great men of his generation. But after a while, some of Vance's particular friends set out to make Merrimon and Humphrey odious and the war they waged was bitter, and although it did not disturb Merrimon it resulted in Humphrey's leaving the Democratic party and joining the Republicans.

The after-  
math

#### Amendments to Constitution

On February 24, 1873, the Legislature by a three-fifths majority passed eight of the proposed amendments to the State Constitution, among them those relating to the State debt and taxation; providing for biennial instead of annual sessions of the Assembly and allowing the General Assembly to provide for the election of trustees of the University and for the maintenance and management of the institution. These eight amendments were agreed to in separate acts, which were then submitted to the popular vote, and in August, 1873, they were approved by the people by a majority of about forty thousand, and thus became a part of the Constitution. However, Governor Caldwell raised the point that under the Constitution the several amendments proposed in the original act could not be separated and only a part of them passed by three-fifths votes, and submitted to the people. That objection was nevertheless ignored.

R. C. Badger

On the adjournment of the House on March 3, 1873, Mr. Badger offered very handsome resolutions in respect to Speaker Robinson, and in his remarks said: "Public busi-

ness has been greatly forwarded, and the true interests of the State, not solely party ends, have been the result of our deliberations." Indeed, the conduct of Speaker Robinson was in line with the general policy of the Conservative leaders to establish themselves and their party in the confidence and esteem of the people so as to secure the future of the State. Badger, although a Republican, approved.

During this year, 1873, a remarkable bank panic caused much disaster throughout the Union, but while North Carolina was inconvenienced, its effect in this State was limited. There were then two banks at Raleigh, which afforded trade facilities for the entire surrounding region. By the skill of Mr. Willard, the president of one of these banks, arrangements were made that so minimized the disastrous effects of the closing of the Northern banks, that although throughout the Union there were a great many failures in business, in this section there were none.

The panic



## CHAPTER LXIX

### CONSERVATIVE SUCCESS

The progress in the State.—Cotton.—Tobacco.—Education.—Publications.—Civil Rights bill.—Cox chairman.—The successful candidates.—Brogden succeeds Caldwell.—The new members.—The Democrats carry the North.—Affairs in Louisiana.—The meeting in New York.—Merrimon and Ransom.—The Civil Rights bill amended.—The Assembly calls a convention.—The uncertain result.—Dr. Ransom President.—The Robeson delegates.—The contest.—State elections changed to November.—Meeting of Assembly in January.—County government.—Thirty amendments proposed.—The Mecklenburg Centennial.—Graham's address.—His death.—The University reorganized.—Battle President.—Western North Carolina Railroad bought by the State.

#### State progress .

1874

The  
Democrats

The year 1874 was a milestone. Since 1870, the Conservatives had had control of the Legislature and their course had brought not only hope for the future but a spirit of contentment and cheerfulness. The purpose of the leaders in the Assembly was reasonably accomplished. In a general way the several elements that had been brought into coöperation began to feel that they were of the same party. And while they had at first called themselves Conservatives, then Democratic Conservatives, they now answered to Conservative Democrats. Indeed, they felt affiliated with the National Democratic party, and, looking to that organization as their only friends they gradually became accustomed to considering themselves Democrats.

Conditions

The Legislature had adhered to its policy of retrenchment to the last degree; but it had manfully performed its duty with regard to the unfortunates of the State. Its course was in such striking contrast with that of the irresponsible men who had ruined the State that the people at every election continued to choose Conservatives to manage their affairs.

There had been progress in the counties. Labor had become more settled, and industry had brought its rewards. The people were living in relative comfort, the total volume of farm products for 1873 had risen to near \$58,000,000.

In the eastern counties where the negroes were numerous there was misgovernment, extravagance and often corruption. But even in those counties labor was stable; although, when elections came around there were inflammatory addresses that tended to array the races against each other and kept the negro voters in line.

Perhaps the quick ending of the Kirk war, and the impeachment of the Governor—the strong action of the whites not being interfered with by President Grant nor the Federal government—may have had an effect in indicating to the negroes that the whites were to be dominant in the State.

There were always negroes in the Legislature, but there was little personal friction between them and the white members. Generally, in the Assembly the negroes deported themselves well, and the white members were considerate.

Tobacco

Cotton was a profitable crop and its culture was extended into new counties: and tobacco became a money crop farther to the west, the smoking tobacco factories at Durham and the factories manufacturing the weed at Winston paying very good prices. It was at that period that the basis was laid of the great fortunes subsequently amassed in the tobacco business. The internal revenue tax on tobacco alone in the Fifth District in the previous year was near \$450,000, while for January, 1874, in that District it was \$80,000, and in the Fourth District it was, in February, \$53,000.

While the South was still suffering for the want of banking facilities, in 1874 the law limiting the amount of national bank notes was amended so that the number of national banks could be largely increased. Even under the repressive and tyrannical previous conditions the South had made progress; and now with this beneficial change the South was in a situation to forge ahead in industrial pursuits and develop the natural resources of the country.

Banks



Schools

Educational  
association

The press

But the educational condition was still deplorable. In the towns excellent private schools and seminaries were in progress; and there were in the State some twenty-five graded schools—each with more than one hundred pupils, kept for ten months in the year, and receiving aid from the Peabody Fund; and there were likewise other schools aided by Northern associations. But thousands of children in the country had been growing up illiterate. This unfortunate and unhappy circumstance left a deep impression on the inhabitants. However, efforts were being made to remedy the evil of Mr. Lincoln's legacy, and in July, 1873, an educational convention was convened, Judge Battle being the president, and an association was formed to promote education, its executive committee, formed the next year, being Gen. W. R. Cox, W. N. H. Smith, C. H. Wiley, T. H. Shelby and Dr. S. S. Satchwell. For many years this association was effective in its work. Nor were others inactive; soon after the war Gen. D. H. Hill began the publication in Charlotte of *The Land We Love*; and Mrs. Cicero W. Harris, at Wilmington, of the *South Atlantic*; and in 1874, Col. S. D. Pool at Raleigh, *Our Living and Our Dead*, edited by Rev. T. B. Kingsbury—all magazines of a high order of merit. The press generally was strongly in favor of public education, while every newspaper itself was an aid to the dissemination of literature and made for elevation of the masses. And now papers were being published in every section of the State, three at Asheville, four at Charlotte, four at Fayetteville, five at New Bern, ten at Raleigh, and about fifty more in other towns. Of these ten were Republican in politics, an equal number were religious publications or agricultural, while the great preponderance were Democratic in accord with the prevailing sentiment of the reading public.

In the year ending June 30, 1873, there attended the public schools 146,737 pupils, white and colored, for two and a half months; and there had been 3,311 schools in operation. The Legislature was now ready to press forward in this work: and a bill was prepared.

The Assembly had the purpose at heart. The Supplemental Civil Rights Bill, however, now loomed up as an obstacle. It contained a provision that forbade separate schools for the races; and that was a prohibition of public schools in North Carolina. The Assembly naturally held its hand.

Civil Rights  
Bill

On the 13th of February, 1874, the Legislature passed an election law providing for the election in August of Representatives in Congress, of judges in the several districts, and of a Superintendent of Public Instruction, a Legislature and county officers. Congress had at that time before it a bill making it a penal offense punishable by a fine of a thousand dollars or imprisonment for a year, as well as a forfeiture of five hundred dollars to the person bringing the suit, for any one to deny to a negro equal right in any hotel, conveyance, theater or public school; so the race question was made more acute than ever. And while it stirred the whites as never before, it aroused some of the negroes to the possibilities, and negro candidates appeared in the eastern counties in greater numbers than in previous years.

Election

In Congress

On the death of General Barringer, the Chairman of the Conservative Executive Committee, Gen. William R. Cox was chosen to that position, and an active campaign was inaugurated. A campaign paper, the *Crescent*, edited by Captain Ashe, the Secretary of the Committee, was very helpful, being one of the most useful of the political instrumentalities utilized by the whites.

Cox, chair-  
man

1874

The Conservatives nominated S. D. Pool for Superintendent of Public Instruction; Thomas R. Purnell being put forward by the Republicans. The successful Democratic candidates for Congress were J. J. Yeates, who had the pleasure of driving Cobb from the field, A. M. Waddell, Thomas S. Ashe, J. J. Davis, General Scales, William Robbins, and Gen. R. B. Vance. In the second black district, J. A. Hyman, a negro, was elected.

In the judicial districts, the Superior Court judges having been divided into two classes, and the term having been extended two years by the decision of the Supreme Court,



The judges

elections were held with the result of supplanting Judge Russell by A. A. McKoy, Judge Logan by David Schenck, Judge Clarke by Seymour, Judge Albertson by Judge Eure. Judge Tourgee withdrew on the announcement of Thomas Ruffin as an independent candidate, but John Kerr was elected. The contest was bitter.

1874

Death of  
Governor  
Caldwell

The Conservatives polled about 96,000, Republicans 82,000, giving Pool a majority of 14,000. The Conservatives held the same vote as that given to Merrimon, while the Republicans lost about 16,000 from the Caldwell vote. In the Legislature the Conservatives had a three-fourths vote in each house. In the House, of the 27 Republican members, thirteen were negroes and in the Senate, of the 18 Republicans, four were negroes.

Brogden

On the 11th of July, Governor Caldwell died, being succeeded by Curtis H. Brogden, the Lieutenant-Governor. The change was possibly for the better, although the power of the Governor was limited. Caldwell, of decided personal honesty was very bitter toward his Democratic fellow citizens, while Brogden, inferior in intellect and social standing, was more in sympathy with his political opponents who were seeking to promote the prosperity of the people of the State.

The As-  
sembly

Nov., 1874

The Assembly of 1874 was composed very largely of new members. Because of Republican divisions in Wake, the delegation from that county was Democratic. Charles M. Busbee was in the Senate and George V. Strong in the House. Among the Senators were R. P. Waring, Maj. William A. Graham, Col. James T. Morehead and Robert F. Armfield, who was chosen President of the Senate.

In the House were S. McD. Tate, Paul Means, S. M. Finger, John M. Moring, V. V. Richardson, James C. MacRae, H. A. Gudger, A. M. Erwin, I. F. Dortch and James L. Robinson, who was again elected Speaker.

The skies were then bright; apparently the storm was over and a rainbow arched the heavens. Every heart was buoyant, for the worst had passed and the future seemed secure. The Conservatives under the lead of the patriots in 1861-65 had addressed themselves to the duty of rescu-

ing the people of the State from the dominion of the carpet-baggers and Africans, and had successfully accomplished the task.

This sweeping victory brought with it a spirit of high elation as it seemed to give assurance that the conservative elements in the State were now united, and the State was redeemed. Moreover, when the congressional elections were held in November in the other states, the result was all the Democrats could have hoped for. They secured a majority of seventy-five in the House of Representatives, whereas in the Congress then closing the Republicans were largely dominant.

At the North

Nov., 1874

This reversal in the Union at large was because of the popular disapproval of President Grant's personal administration and of the violent partisan actions of the Republicans at the South. Nor did the administration readily learn the lesson it taught. The same fate had attended the carpetbag governments in other Southern States as in North Carolina, Louisiana and South Carolina alone remaining unredeemed. In Louisiana, the White Liners had been bold, resolute, determined. General Sheridan commanded the army, and he suggested to the President to declare them as banditti, and "no further step need be taken except what would devolve on me." He proposed to try citizens by military commission or to shoot them down as banditti. The Louisiana Republican Returning Board counted out Democrats elected to the Legislature; and there was a dispute as to which party controlled that body. On January 1, the Legislature was to meet. The Democrats perfected the organization of one of the houses. The Republican Governor called on the President to save the State to the Republicans, and the President intervened. He "authorized General Sheridan to interfere and use troops to force from their places in the State House Democratic members whom the Republicans wanted to unseat." Sheridan sent General De Trobriand to do the work. De Trobriand carried his troops into the hall, seized possession, cleared the legislative hall of the Democratic members, according to the directions of the Republican Governor, and the work was

Louisiana



done. It was like Napoleon driving out the French Assembly—like Cromwell dispersing the Parliament of England.

As the news flashed over the wires, it fell on the ears of the American people like a fire bell at night. The whole country was aroused.

Jan., 1875

W. M.  
Evarts

A great mass meeting was held on January 11, 1875, in New York City to consider it. William M. Evarts, the Republican Senator from New York, was the principal speaker. In burning words he denounced the outrage upon the freedom of the American people. He said: "If the depositories of power of the Republican party are ready to put themselves before the country upon the constitutional proposition that a file of soldiers can empty a state legislature under any of the circumstances proposed by any body as prevailing in Louisiana, I think these representatives in power of the Republican party will find they have as few supporters in their own party as they have in the Democratic party."

Other Republicans joined in denouncing the despotism of the President and the radical plan to subvert the state governments of the South again by military force. Nor were the Democratic leaders silent.

Merrimon

Ransom

In the Senate, Merrimon, every fiber of whose frame bore evidence of sincerity and honesty of purpose, delivered a great speech of unusual power and effect on affairs in Louisiana; and Senator Ransom likewise spoke, making the greatest speech of his life. As an orator he was not excelled by any of the Senators. His subject was, "The South Faithful to Her Duties." In the original contest in the Assembly of 1870, many supported Vance from admiration and personal regard; the Cape Fear members chiefly supported Ransom as being the better suited to allay the animosities of the Mortons and Stevenses whose vindictive measures threatened such dire evils to the South. Ransom in the Senate answered their expectations. He said: "I came with a sacred purpose to reconcile the once divided people of my country; to harmonize all sectional differences; to bury in oblivion every bitter recollection; and to convince the people of the North that our people of the South

sincerely desired to live with them in concord. Before this greatest and best desire of my life, all other passions sink into insignificance. This was the great object of my political existence. To accomplish it no sacrifice seemed too dear, except the dishonor of my State and the South.”

Biog. Hist.,  
I, 428

In lofty strains, Merrimon and Ransom gave expression to the manhood of the Southern people.

And, indeed, by that time many at the North were expressing themselves something after this fashion; that the history of the race furnishes no other example of the conquerors, not merely freeing the slaves of a conquered people, but giving the slaves dominion over their former masters; and, to add to the enormity of the proceeding, the slaves were not merely a different race, but ignorant Africans, ever considered by the world as utterly inferior to white Europeans.

Nor was Congress indifferent. The Supplemental Civil Rights Bill having passed the Senate, with the provision in it forbidding separate schools for the races, was on January 20, 1875, taken up in the House, on motion of Benjamin Butler of New Orleans fame; but this objectionable provision was stricken out. It was approved by President Grant, March 1, 1875.

#### **The Assembly calls a convention**

There being more than a two-thirds majority in the Assembly, some of the leaders urged that advantage should be taken of that fortunate circumstance and a convention should be called to reform the Constitution without submitting the question to the people. Others considered the proposition as of doubtful expediency; while a considerable number of the members were either directly pledged against such a measure or knew so well the wishes of their constituents that they felt constrained to oppose it. However, bills were introduced to that effect in each house, but they were held without action.

On the 19th of December, the Assembly took a recess for a month, and during that period the subject was discussed.



The older public men more generally favored it, for perhaps they felt more strongly than their juniors the changes made in the fundamental law by the Constitution of 1868.

Jan., 1875

At length, after many conferences, the Democratic caucus, by a vote of 68 to 13, agreed to the measure. The bill having passed the Senate by the middle of March, on the 18th passed the House by 81 to 33.

It was, however, to be a limited convention, like that of 1835, with the delegates taking an oath to observe the limitations and prohibitions contained in the act. As the election was to be in August, both parties at once addressed themselves to the campaign.

Hamilton,  
Recon., 605

The Republicans entered most actively upon the work, and succeeded in rallying their full party strength. They urged that the convention would undo everything that the Republicans had accomplished; that the oaths limiting the power of the convention would be nugatory; that the negroes would be deprived of every right; that a conflict would again ensue with the Federal government; that the State would have to be reconstructed as before. Perhaps there were some 20,000 whites who coöperated with the 75,000 negroes, for the Republican vote aggregated 95,191.

The uncertainty

As the news came in from the counties showing a very full turnout by the people, within a fraction of that in the heated election for Governor three years earlier, the result seeming adverse to the Conservatives, the effect was extremely disheartening to them, while it inspired the Republicans with new joy and enthusiasm. It seemed as if the delegates would be about equally divided. It happened that the Returning Board of Robeson County had reason for questioning the legality of the election in some township of that county and telegraphed General Cox, the Chairman of the Democratic State Committee, who replied: "As you love your State, hold Robeson." Although on the precinct returns the two Republican candidates had the majority, the Board gave certificates to the two Democratic candidates. Governor Graham, who had been elected in Orange County, died at Saratoga Springs on August 10, thus diminishing the Democratic strength. When the Convention met Sep-

Hist. N. C.,  
Hamilton,  
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Sept., 1875

tember 6, there were fifty-nine Democrats, fifty-eight Republicans and two independents, one of whom was Edward Ransom from Tyrrell. Ransom had previously been a Republican, but had run as an independent candidate for Congress, and had been voted for as an independent—favoring amendments to the Constitution, and had been elected as such. Sept., 1875

Among the delegates were some of the most prominent men of the State in either party. It was a strong body: Col. R. T. Bennett, J. O. Wilcox, J. E. Shepherd, Gen. Thomas L. Clingman, David Coleman, A. C. Avery, Edmund Jones, E. B. Withers, M. L. McCorkle, John Manning, Plato Durham, Col. Forney George, Ralph P. Buxton, F. C. Robbins, Charles Price, Gen. W. P. Roberts, J. Young, A. Tourgee, S. L. Love, W. S. Carter, Gen. Rufus Barringer, B. H. Bunn, G. Z. French, Josiah Turner, J. W. Albertson, J. W. Cunningham, Thomas J. Jarvis, O. H. Dockery, Governor D. S. Reid, F. E. Shober, J. S. Henderson, R. C. Badger and W. T. Faircloth. Certainly it was a body amply able to amend the Constitution. Judge Settle administered the oaths. Governor Reid nominated Mr. Ransom for President, and Judge Albertson nominated O. H. Dockery. The vote stood 59 to 58. Dockery and Ransom voting for others; while 60 was necessary for an election. The delegates

Two days were consumed in fruitless balloting, but when the fourteenth ballot was being taken, Mr. Ransom said: "I have not sought this position. I do not desire it. The people demand that this body be organized. I now cast my vote for Edward Ransom." And a President having been elected the Convention was further organized by the election of Johnstone Jones as Secretary. Ransom, President

As Dr. Ransom had not desired this responsible position much difficulty was encountered in overcoming his objections, but at length Captain Jarvis and the venerable Governor Reid succeeded in accomplishing that end: and to them was due the merit of preventing the failure of the Convention movement and securing Conservative organization of the body. Convention Journal, 22



**Robeson County**

As the control of the Convention would be determined by the votes of the Robeson County delegates, the question of the title to those two seats was at once referred to the Committee on Privileges and Elections of which John Manning was Chairman. Duncan Sinclair and C. A. McEachin were the sitting members, and Dr. R. M. Norment and Neil McNeil were the contestants. The case for the former had been committed to Captain Ashe, the working member of the State Executive Committee, and when the contestants submitted their claim to the Committee, an answer was filed denying their election based on the allegation that at the election some three hundred negroes had been allowed to register and vote, men recently brought from Virginia into Robeson County to work on a railroad then under construction, who were not citizens of the State and had no right of suffrage. The Committee was asked to take testimony; and by resolution of the Convention the Committee was directed to appoint commissioners for that purpose. The contestants, unable to successfully meet this issue, now determined to abandon their claims; and on October 4, the Convention, at the instance of Mr. Holton, a Republican leader, authorized the payment of their per diems to the contestants; and the contest, which had been very bitter and protracted, was closed.

On September 18, W. N. Patterson, who had been elected to the vacancy from Orange County, was sworn in, making the full membership of the body. As the Republicans would have adjourned the Convention sine die, at any moment when they had a majority in the chamber, there were never any absentees. Every member was always in his seat, except when some few were paired. And as it was essential for the Conservatives to act as a unit, every matter brought before the body by them had first to be agreed to in caucus. The business of the Convention was thus determined in the Conservative caucus.

On October 11, after a month's arduous session, the Convention adjourned. Because of the narrow majority in the

body and of the evident indisposition of the people to have the Constitution altered in some features, not so many changes were made in it as some of the Conservative leaders desired.

### The amendments

In order to have the State elections held in November, Election day the date of meeting of the General Assembly was fixed on the first Monday in January.

The number of Supreme Court judges was reduced to three, and those of the Superior Court to nine: and the judges were to ride the circuit of the State, while the Assembly was authorized to confine the election to their several districts, and increase the number of districts. Among County gov-  
ernment the most important of the alterations was that vesting in the Assembly plenary power in regard to county government, and that authorizing separate schools for the races. And constitutional conventions were thereafter to be called only on the approval of the people. Thirty amendments in all were adopted, of which one-half passed unanimously. The proposed amendments to the Constitution, adopted by the Convention, were to be submitted to the people for ratification or rejection.

### Mecklenburg Centennial

This being the centennial year of the Mecklenburg Declaration there was a great celebration of the event held at Charlotte on May 20. Fully thirty thousand patriotic North May 20,  
1875 Carolinians assembled there on that occasion. Among the distinguished visitors were Governors Thomas A. Hendricks of Indiana, Chamberlain of South Carolina and Gilbert Walker of Virginia. General Cox was chief marshal. Addresses were made by John Kerr and Governor Graham, while Governor Vance, who then resided at Charlotte, was one of the lions of the day. At that time there was but little question of the authenticity of the Declaration of May 20. The origin of the narrative and resolves first published in 1819 had not been made known to the public.



Governor Graham's address was a fine logical presentation of the Declaration, based on such premises as he was then acquainted with. But it being suggested that the difference in the alleged dates, May 20 and 31, might have originated in the difference between "the old and new styles"; that idea later found favor with Governor Graham.

During the summer he accepted an invitation to act as an arbitrator between the states of Virginia and Maryland, and in August was at Saratoga Springs in the performance of the high duties he had assumed. He had also been solicited by Dr. Barnard of Columbia University in New York to contribute an article on the Mecklenburg Declaration to Johnson's *Universal Cyclopedia* of which he was the editor. Such an article later appeared in that publication, attributed to Governor Graham. In the article it is stated that there was but one meeting held at Charlotte and that it was on the day known in the calendar as May 31.

Graham's  
death

Aug., 1875

Governor Graham unhappily died at Saratoga Springs on August 10, and that he had contributed such an article was not known in North Carolina until about thirty-five years after his death. Governor Graham's death caused profound sorrow throughout the State. He was not only one of the most distinguished North Carolinians, but he was distinguished among men for his elegant and manly personal appearance and bearing as well as for his purity of character, his excellence and attainments. During his long and useful life, devoted to public service, he passed through many vicissitudes. When he was the nominee of the Whig party for the vice-presidency, and, perhaps later, the Democratic people were not in love with him; but after 1865, there were no such differences among the bulk of the white people, and he was the leader of thought and largely directed popular action.

Moore, II,  
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"No other citizen of North Carolina ever received at his death such distinguished testimonials of public regard."

### The University

1875

On the ratification by the people of the amendment to the Constitution vesting the appointment of trustees of the

University in the Assembly, that body appointed trustees, but Governor Caldwell insisting that the amendments had not been legally adopted, a suit was instituted at spring term, 1874, to determine that question.

When it reached the Supreme Court, the Chief Justice being ill, the case was continued: and it was not until January term, 1875, that it was decided, declaring the amendments legally adopted. In the meantime in preparing for this, Kemp P. Battle had canvassed the State for funds in the interest of the University. "No other man would have undertaken the task, and no other man could have accomplished it at that period." He raised \$20,000 from the alumni and other patriotic citizens, and then he secured from the Assembly an annual appropriation of \$7,500 as interest on the \$125,000 land scrip donated by the Federal government and invested by the Republicans in special tax bonds.

Battle,  
President

The trustees now met and reorganized the University by electing a faculty of which Dr. Charles Phillips was the chairman; and the institution was again opened September 6, 1875. On May 31, 1876, there was a great commencement by way of celebrating the revival of the University, Judge Dick making the address before the alumni, and Colonel Waddell delivering the address before the societies. Then on June 13, 1876, the Trustees elected Kemp P. Battle President of the University, and for fifteen years he devoted himself to maintaining the institution.

Sept.  
1875

### **Western North Carolina Railroad sold**

Under a decree of the United States Circuit Court the Western North Carolina Railroad was sold at auction at Salisbury on June 22, 1875, and purchased by the State for \$850,000, bonds being issued for that purpose. The property was thereafter to be managed by a commission, and Governor Brogden appointed W. W. Rollins, W. S. Pearson and W. P. Canaday, Commissioners to conduct its affairs. Citizens of Wilmington voluntarily paid \$10,000



cash to aid construction, and such convicts as could be so employed were to build the road, and 332 convicts were furnished for the work. Similarly the Spartanburg and Asheville road had 200 convicts for two years. The construction of the penitentiary itself made good progress under the able and capable management of W. J. Hicks, the architect: and under the act of March 20, 1875, to provide an asylum at Morganton, satisfactory progress had been made by the Commissioners of which Dr. Nereus Mendenhall was President.

## CHAPTER LXX

### END OF RECONSTRUCTION

Vance and Settle.—Tilden and Hayes.—Turner an independent.—The great campaign.—The result.—The Electoral Commission.—Hayes inaugurated.—Vance inaugurated.—New conditions.—The *Observer*.—County government.—Judge Cox.—Death of Pearson.—Merrimon and Vance.—Jarvis Governor.—Sale of Western North Carolina Railroad.—Local option.—Prohibition defeated.—Emigration.—Kerr and Chase.—The Boston Exposition.—State Exposition.—The fine display.—Advanced conditions.—Scales Governor.—County government.—Department of Labor.—Fowle Governor.—Governor Holt.—Illiteracy.—Scarborough.—Supreme Court.—Literary activity.—State Records.

#### Vance and Tilden

In view of the presidential election, Governor Tilden of New York was being pressed for the Democratic nomination by his New York friends. He had not been widely known, but he had performed a great public service as a lawyer in bringing to justice the corrupt members of the Tweed ring in that city, and such a service in that era of corruption, commended him to the confidence and good will of honest men. The Democrats of the State held their Convention in Raleigh on June 14. General Cox, as Chairman of the State Committee, had so admirably managed party affairs that the newspapers and public men were according him the nomination for Governor, but just before the Convention met Governor Vance announced that he would be glad to have the nomination. As he had suffered by the election of Merrimon to the Senate, Cox at once declared for Vance, and when the Convention met he was nominated by acclamation. Then by a sudden combination of several of the aspirants for other positions, and the western counties particularly appreciating the great services of Thomas J. Jarvis, that gentleman was nominated for Lieutenant-Governor.

June, 1876



The nominees

Dr. John W. Worth was nominated for Treasurer, Joseph A. Engelhard for Secretary of State, S. L. Love for Auditor, and Col. Thomas S. Kenan for Attorney-General. Col. S. D. Pool, having resigned June 30, Governor Brogden appointed John Pool as his successor, and the Democrats nominated John C. Scarborough as Superintendent of Public Instruction. Every part of the State, except the northwest, had a representative on the ticket; and they were all men worthy of popular support, many of them excellent canvassers. General Cox remained Chairman of the Committee. All of the Democratic Representatives in Congress were renominated except Mr. Ashe, who was replaced by Col. Walter Steele and on the adjournment of Congress, in August, they entered actively into the campaign.

Judge Settle

The Republican Convention met July 12, and nominated for Governor Judge Thomas Settle, and his running mate was William A. Smith of Johnston County.

Hayes and Tilden

When the Republican National Convention met June 14, in Cincinnati, James G. Blaine, the Plumed Knight, was the choice of his party generally; but there were complications that induced the leaders to set him aside. Other aspirants met the same fate; and it was not until the seventh ballot that the nomination was tendered to Rutherford B. Hayes, a man of no great distinction, but whose name was free from scandals. The Democrats met in St. Louis two weeks later, and on the second ballot Governor Tilden of New York was nominated for the presidency. He, like Hayes, had never served in Congress, and he had no great record; but the Democratic nominee for the vice-presidency, Thomas A. Hendricks, then Governor of Indiana, had already rendered notable public service. It was considered that the Southern States would go Democratic, and New York, New Jersey, Connecticut and Indiana were quite certain for the Democratic nominees. At last the Democracy was sanguine of victory.

In addition to the candidates for office canvassers were appointed in every county, and an immense quantity of literature was distributed.

The press, hopeful of success, was particularly strong in its advocacy of the ticket. But the *Wilmington Journal* had suspended, the *Star*, under the management of W. H. Bernard, having supplanted it. And Mr. Turner had been unable to meet his obligations incurred in the purchase of the *Sentinel*, and had quarreled with those who had formerly aided him, so that the *Sentinel* had likewise suspended. Mr. Turner, who had been elected to the Convention along with Governor Graham, now offered himself as an independent candidate for the Senate from Orange in opposition to Maj. John W. Graham. Other than that, the Democratic party was closely united. Vance and Settle entered into joint debates, and immense crowds attended their speaking. Settle, a man of splendid personal appearance and fine address, conscious of fine attainments and eloquent, entered with eagerness into the contest; and Vance, masterful on the hustings, ready with wit and humor, and powerful in debate, was glad to meet his adversary. It was by far the greatest campaign ever known in North Carolina; but while the central figures were the two giants in contest, George Davis, General Ransom, Judge Merrimon and others, made great addresses; and Engelhard, Jarvis, Kenan, and others, who devoted themselves to the less-frequented communities, rendered services of great benefit and of lasting advantage to the party.

Biog. Hist.,  
III, 425

Turner

The great  
campaign

The Executive Committee of each party was well supplied with funds for campaign purposes throughout the State. Tilden and Vance clubs were formed in every township, and constant reports were made of the progress of the enrollment. So perfect was the organization that toward the end of the campaign, Colonel Keogh, the Republican Chairman, said to Captain Ashe, the Secretary of the Democratic Committee: "We are going to beat you, this time." "What makes you think so?" "We will increase our vote by 10,000." "Well, if that is all, we will beat you by 20,000." "How is that?" asked Keogh. "My reports of enrollment in the clubs indicate that we will increase our vote more than 30,000," was the reply; and so it turned out substantially.

The clubs



The vote

The total vote for President was 234,481, an increase of 40,000 over the greatest vote ever cast, and Tilden's majority was 17,533. For Governor, the total vote was only 222,588, and Vance's majority was reduced to about 14,000. Engelhard and the others on the State ran ahead of Vance, and the ticket had 18,000 majority.

The other states

It was a sweeping victory; and, in addition, apparently Tilden had been elected. Hayes had 166 votes at the North. If the Democrats carried all the Southern States, as reported, Tilden had 208; but the night of the election the Republican headquarters at Washington announced that Hayes had one majority. To secure that, the Returning Boards of Florida, South Carolina and Louisiana had to act; and there were double returns from these states; as well as from Oregon. The House being Democratic and the Senate Republican, the count of the votes was committed to an electoral commission that was composed of eight Republicans and seven Democrats. On every question they voted eight to seven: and by their action, elected Hayes by one majority; but their finding was not approved by the public. The popular vote was 4,036,298 for Hayes; 4,300,500 for Tilden, who had over 250,000 popular majority, and a majority of about a million of the white voters of the country. Hayes was inaugurated, but he seems to have agreed that the Republicans "should not do that again," and all the Southern States were abandoned to the whites.

Thus ended the dominion of the conquerors over any part of the conquered states, after a decade of government instituted by the Republican statesmen of 1867.

### **The Assembly**

The Legislature met November 20, 1876, the Republicans having but ten Senators and thirty-five Representatives; and among these were a dozen negroes. Charles Price was chosen Speaker. It is remarkable that relatively few of the well-known men were members of the House; among them were Montfort McGehee, W. E. Ardrey, Randolph A. Shotwell, W. P. Roberts, and on the Republican side, Daniel L. Russell and T. R. Purnell.

In the Senate were James L. Robinson, H. B. Short, Maj. John W. Graham, Col. John W. Cunningham, J. I. Scales and Thomas D. Johnston.

With the opening of the new year, Governor Vance was inaugurated Governor for the third time. Although it was bitter cold, and snow lay on the ground, there was a great concourse of people to celebrate the event, and many military companies participated in the demonstration.

Vance inau-  
gurated

Vance gave the keynote to the new administration; it was progress. And he soon allayed the apprehensions of the negroes. In his message, advocating their education, he said: "Their desire for education is an extremely creditable one, and should be gratified as far as our means will permit. In short, I regard it as an unmistakable policy to imbue these black people with a hearty North Carolina feeling, and make them cease to look abroad for the aids to their progress and civilization, and the protection of their rights, as they have been taught to do; and teach them to look to their State instead; to convince them that their welfare is indissolubly linked with ours."

In every department he wanted progress.

### **New conditions**

After the election, Peter M. Hale and William L. Saunders, men of the first ability, began at Raleigh the publication of the *Observer*, the keynote of which, like what was in Vance's own heart, was progress. Already a decided advance was observed throughout the State, and those who had devoted themselves to the work rejoiced.

### **Natural resources**

As North Carolina was the first state to have a geological survey, begun in 1823 by Olmstead and continued by Dr. Mitchell, and on his death by Professor Emmons, whose valuable publications were supplemented by Edmund Ruffin's report on swamp land, so at the close of the war in 1866 Professor W. C. Kerr was appointed State Geologist and steps were taken to attract immigrants to the State. Pro-



fessor Kerr continued to render most acceptable and valuable service, bringing to his work fine intelligence and earnestness of purpose.

Dept. of  
Agriculture

Vance now promoted the establishment of the Department of Agriculture and appointed Col. L. L. Polk of Anson County, admirably fitted, for the head of that work of such great value to the farm population who comprised the bulk of the people of the State. At once an experimental station was authorized, the second established in America, and along with it an experimental farm, and State weather service, and other divisions. From that beginning the Department of Agriculture continually grew in importance and valuable service.

The Raleigh insane asylum being found overcrowded, the State Hospital at Morganton was hurried to completion, as well as one for the colored insane. A commission was established to report on the feasibility of compromising the State debt, disregarding the special tax bonds.

State v.  
Hoskins

The tax on distilling whiskey from grain led to many illicit distilleries, especially in the western counties, while the conduct of the revenue officers arrayed the population against them. A deep-seated antagonism prevailed, and the politicians fed the flame. In 1877, to fill a vacancy in the Superior Court, Governor Vance appointed General Cox, who had served with particular credit as Solicitor of the Wake district since 1868. Soon after General Cox was appointed an interesting case arose. Hoskins, Starr and another revenue officer being arrested for an assault and battery and bound over to the State Court obtained an order removing the case to the United States Court, under an act of Congress. Judge Cox held that the removal was legal. There was much popular feeling against it. The Supreme Court, however, sustained Judge Cox, and Cox's decision may be taken as an indication of the law-abiding purpose of the public men of that period.

643 Rev.  
Stat.

Death of  
Pearson

On the 5th of January, 1878, Chief Justice Pearson, while on his way to hold the Supreme Court, died at Winston. Governor Vance, on the 14th of January, appointed to succeed him W. N. H. Smith, eminent because of his character

and great legal ability, who had been one of the central Executive Committee.

Vance proved himself in every way worthy to be at the head of the people of a great state under the unusual conditions of that period; and he found such favor even among the colored people that they called several of their military companies Vance Guards in token of their satisfaction.

Beginning in 1879, the Supreme Court was to consist of only three members, and the Democratic Convention nominated Smith for Chief Justice; Thomas S. Ashe and John H. Dillard for associates, who were elected.

In the Senate, Judge Merrimon being an indefatigable student thoroughly familiarized himself with all public questions. His great capacity for work, his acute intellect, his thorough knowledge of the law, his ardent devotion to the principles of constitutional liberty and the cause of the Southern people, united with his purity of character, his simplicity of demeanor, his directness and abhorrence of duplicity gained for him an influence that rendered him one of the most conspicuous as well as one of the most useful of the Southern Senators. Fortunate was it for the South that he was Senator at that period. His forcible addresses commanded attention and measurably influenced action. However, Governor Vance's friends were now urgent that he should replace Merrimon who, six years earlier, had won over him by the aid of Republican votes. A great contest was waged by their respective adherents, but a week before the Legislature met Judge Merrimon, finding it unfavorable to him, withdrew, and Vance was elected to the Senate, Jarvis becoming Governor February 5, 1879. Jarvis had been a poor boy, then a school teacher, a fine soldier, a thoughtful and firm legislator. He now began a service of six years as Governor that for efficiency and benefit to the State has no counterpart in our history. Engelhard, the Secretary of State, having died, editor William L. Saunders succeeded him; and in July, 1879, the *Observer* was bought by S. A. Ashe, the Chairman of the State Committee, while the fine service of Peter M. Hale to the State was other-

Senator  
Merrimon

Biog. Hist.,  
VIII, 334

Governor  
Jarvis



wise continued. Under the administration of Governor Jarvis, sustained by those who surrounded him, the people readily responded to his leadership and immense progress was made in every line of development.

The Constitution which had allowed mixed schools being now amended, the public schools were in greater favor. The poll tax and some other taxes were appropriated for their maintenance but the large addition to the school population by the addition of the negroes required many more schoolhouses and teachers, and all the school fund that could be raised was inadequate for efficiency. The townships were authorized to levy taxes for graded schools, and a normal school for each race was provided for and a summer school was likewise authorized.

In order to keep up the construction of the Western North Carolina Railroad that had reached the foot of the mountains the people of Wilmington had at first with great patriotism made a liberal donation, now the continuation of that work was necessarily a matter for the State at large.

County gov-  
ernment

The east wished to be relieved of the incubus of the Republican system of county government, while the western counties, dominated by the whites, preferred to continue to elect the county commissioners by popular vote—while it wanted the railroad built. By mutual concessions, the Assembly made an annual appropriation for the road and adopted a new county government system, under which the county commissioners were to be chosen by the board of magistrates appointed by the Assembly.

Sale of the  
Western  
N. C. Rail-  
road

But when in 1879 the construction of the railroad had progressed into the mountains a point was reached where a slide of the mountain side kept moving the roadbed down the slope. It seemed to be impracticable to arrest the movement. All the money spent by the management on the work was without avail. Some of the newspapers started what was called "the mud cut boom," and many of the people became dissatisfied with being taxed for such hopeless expenditure. While this dissatisfaction was prevalent, in January, 1880, W. R. Grice of New York, W. J. Best and their associates proposed to purchase the railroad. Eventually

they agreed with Governor Jarvis and Vance and other representative men on certain terms, and a special session of the Legislature was called for March 15, 1880, when the subject was presented by George Davis and Thomas Ruffin in advocacy of the sale. The proposition was amended in several particulars and, as finally agreed to by the Legislature, the purchasers were to pay \$600,000 in cash, and build the branches to Paint Rock and to Murphy without delay, that being the chief consideration. Grice and others having failed to complete the contract, the road eventually passed into the hands of the Richmond and Danville which complied with the conditions of the agreement. Best subsequently leased the Atlantic and North Carolina Railroad, and proposed to run a new line through the State from Goldsboro; but after some work on his road to Smithfield, that was abandoned.

In 1874 W. W. Peebles was a Republican Senator from Northampton County. He was a man of character and among his constituents was a Quaker community. They asked for a local option law to prohibit the sale of liquor in their township and he obtained it for them. Such was the beginning of local option in the State. It quickly spread here and there. By 1880 one-third of the State was under local option. A party of "Liberals" sprang up seeking to eliminate old issues, they being in effect against the Democratic administration, and they fanned the flame of prohibition, which the ministry and many of the best men espoused. At length in June, 1880, a prohibition convention was held at Raleigh whose personnel was very superior, and among the most powerful speakers was a black man named Price. The *Observer* had declared that prohibition was a social and not a party question, and urged that it should not be brought into politics; suggesting that if left alone, the larger part of the State would soon be dry. But the convention called for a State-wide election on State-wide prohibition. The activities of the revenue officers, the Liberals, the western dissatisfaction at county government led to the development of additional strength by the Republicans who gained 11,000 votes at the election, while

Local option

Prohibition  
defeated



the Democratic vote increased but 3,500. However, when the Legislature met and a special vote on State-wide prohibition was ordered for August, at the election the prohibition was defeated by 118,000 majority.

The Department of Agriculture had now so greatly expanded as to require more offices, so without any authority, Governor Jarvis bought for the State the hotel property on the site of which its new home still is, which was then enlarged to meet the requirements; and he had the Governor's Mansion planned and began its construction.

### **Emigration**

When Congress manifested its illiberal spirit toward the people of the South some persons deemed it best to remove to the far west, and there was some emigration on that account. Then the managers of the western railroads offered inducements, and special trains loaded with emigrants took out many more families. Again, especially in the eighties there was a demand for labor farther south and emigration agents established themselves in the counties and induced many laborers to leave the State. When these railroad efforts abated, still there continued to be a disposition particularly in some of the western counties to seek fortunes in other states, and this led at times to an actual diminution of the population of some counties at the end of the census decade.

There was also a natural flow of the people into adjoining states without regard to state lines, so that Richmond, Norfolk and other Virginia cities attracted North Carolinians who found congenial employment there, while others merely crossed the line regardless of citizenship. Indeed, this movement, relatively local, has been the chief cause of most of the changes in population in recent years; and it is to be observed that more Virginians have been moving into North Carolina than North Carolinians have been going to Virginia. It will be found that the majority of the native born North Carolinians living out of the State have merely crossed the line over into a neighboring state.

In 1882 James E. Shepherd of Beaufort County was nominated for the Superior Court bench and was elected. In 1883 Justice Ruffin resigned from the Supreme Court and Governor Jarvis appointed Ex-Senator Merrimon to succeed him. Thus two jurists of fine capacity were at that period added to the bench, each of whom later became Chief Justice.

Shepherd  
and Merri-  
mon, Judges

### **The Boston Exposition**

In 1872 the Press Association was organized and year by year it had increased in membership until nearly every paper was represented, a result of the personal contact being a modification of tone, an elevation of standard and increased efficiency. In 1883 there was a great exposition to be held in Boston, and North Carolina was to make an exhibit. Governor Jarvis was asked to make the principal opening address. He was disinclined, but at length yielded to personal solicitations and complied. The North Carolina press agreed to hold its annual meeting at Boston during the exposition. The result was happy and fortunate beyond all expectations. Governor Jarvis's address was so notable, met with so much applause, and aroused such enthusiasm that the Grand Army of the Republic had him to address them at a dinner, and were in such sympathy that they carried him away to Connecticut to address the Grand Army there. North Carolina was in every one's mouth. The North Carolina press was given a great dinner and the city government furnished many carriages carrying the members and others to see the points of interest. The press, divided into committees, visited the other towns to see the manufacturing processes of the State. Had there been any lingering vestiges of unpleasant feeling, they could not have survived that fortunate occasion. The fountains of patriotism had been struck and the waters gushed forth.

The next year was the end of Jarvis's administration. There was a purpose to signalize its close by an appropriate illustration of the State's appreciation of its benefits. At the suggestion of F. H. Fries of Winston, instead of the

State Expo-  
sition



usual agricultural State Fair, there was an exposition of our growing manufactures. W. S. Primrose was the President of the State Exposition held at Raleigh in October. It was a complete success and attracted numberless visitors, for every section of the State was then very prosperous. It was to continue for three weeks, but instead was kept open for six weeks.

Phosphate  
beds and  
coal

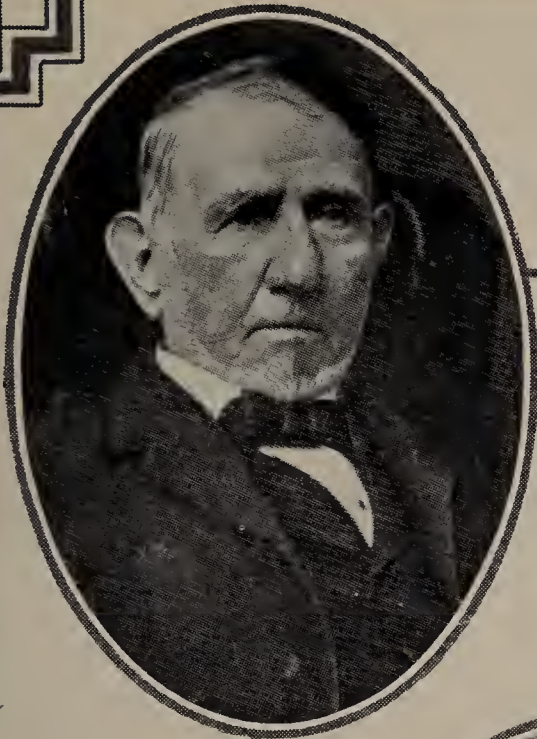
In 1883 the Agricultural Department, which, now under Montfort McGehee, had broadened its operations, employed Dr. H. M. Chase to make a particular examination of the coal fields of the Dan and the Deep River regions, and also of the phosphate deposits of the southeastern counties. It was found that the coal beds were not so extensive as was hoped, but the Department was led to make an effort to utilize for the advantage of agriculture the phosphate deposits in New Hanover that probably had their origin when the Gulf Stream ran along there; and as an illustration of the value of the coal, more than a hundred tons were used in connection with the State Exposition.

The great  
display

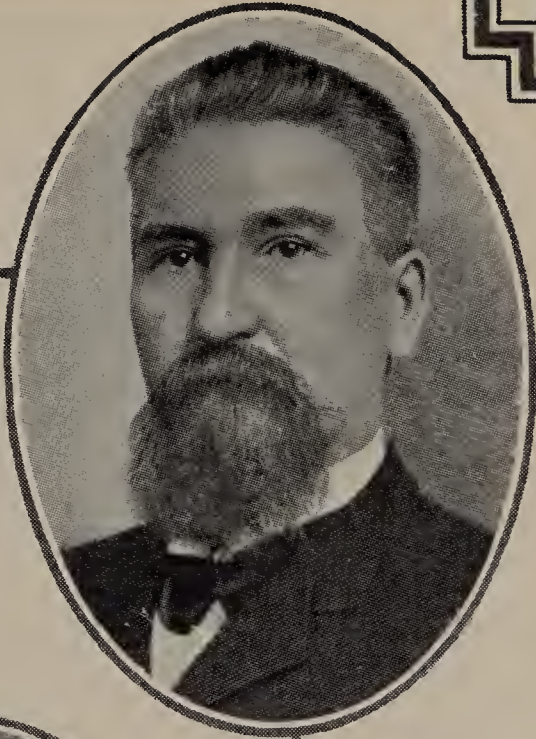
As that was the centennial of the landing of Raleigh's colony on Roanoke Island, the State press had its meeting at Raleigh, with appropriate exercises. Captain Ashe of the *Observer* delivered an address on the life of Raleigh. Among the resolutions adopted by the press was that "the ninety thousand articles of great merit and particularly the seven thousand exhibited by the Agricultural Department at the exposition are highly creditable, and their exhibition must result in great benefit." Indeed, the display of the manufactures was a revelation. North Carolina had emerged from her mere agricultural life and was entering on a manufacturing career. Cotton manufacturing begun here and there years before had during the war been pressed vigorously, and now was making progress. The Holts, the Fries family, and the Pattersons were among those leading the way in development. The Leaks, Steels and Mack Morgan in Richmond, and Watkins at Ramseur and Odell in Randolph and Cabarrus, Borden in Wayne, McIver at the Gulf were also at work; and George Gray along with

Cotton  
factories

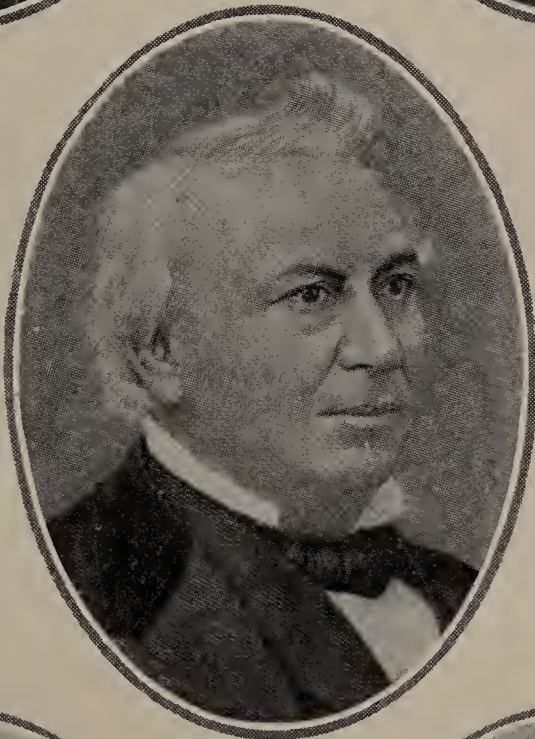




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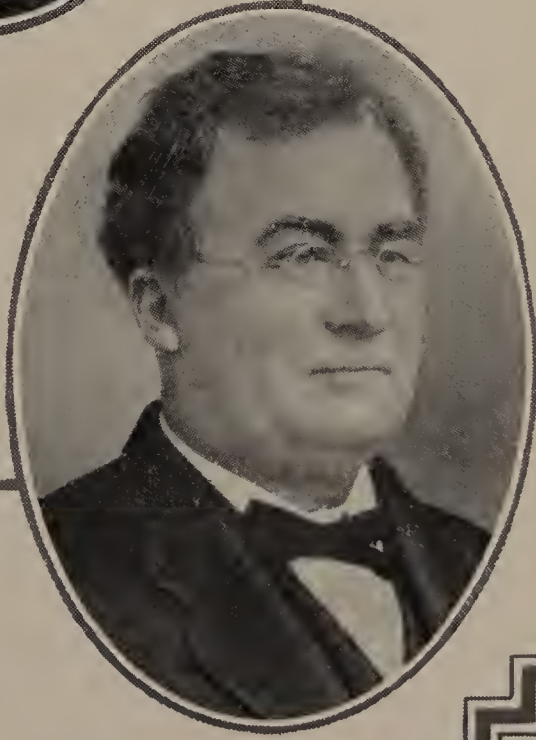
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1. Washington Duke

3. Edwin M. Holt

2. Richard J. Reynolds

4. William A. Erwin

5. Daniel A. Tompkins





Oates and with McAden had started mills at Charlotte; while others were following the example of the pioneers.

In tobacco at Durham, Green, Cheek, Geer and Lyon, Morris, Tomlinson, Blackwell and Julian Carr and the Dukes had originated the enterprises; while at Winston J. W. Hanes and R. J. Reynolds led the way in the business that was to be of great benefit to the State. The internal revenue tax, chiefly for tobacco, was \$1,761,000. Tobacco

While W. H. Snow had started the hardwood industry at High Point additional impulse was given it in 1880 by J. E. Cox who later organized the Home Furniture Company and laid the foundations of the important development that has brought to High Point its foremost position as the center of the hardwood industry. Blue in Moore, Chadbourn on the lower Cape Fear and others at the east were exploiting the forests. Hardwood

The census of 1880 showed 49 cotton and 49 woolen mills and 118 tobacco factories, employing \$4,571,800, while 3,622 other manufacturing establishments employed \$8,473,207, and there had been considerable additions every year. Nor were the minerals overlooked; the gold and other mines were yielding up some treasures. The trucking that now had been considerably developed in the east had its parallel in the extension of tobacco and cotton and the growth of fruits at the west and agriculture, with Montfort McGehee and Charles W. Dabney urging forward the Agricultural Department with its various branches, was flourishing. It was realized that there was "more in the man than in the land" and the Junior Reserves who had won such encomiums at Bentonville had proved even more efficient in peace than in war. Conditions

Transportation facilities had been greatly increased. In 1878 there were 22 railroads operating 1,425 miles within the State and this mileage had been annually increased, in 1889 being 2,851 miles. The State's interest in the Western Railroad from Fayetteville to the Gulf had been sold to become the basis of the Cape Fear and Yadkin, which now was in operation from Bennettsville to Greensboro. The value of real estate had risen by leaps and bounds. Transportation



**Scales Governor**

1886

County gov-  
ernment

Activities

The ideal  
of 1887

Governor Jarvis was succeeded by Gen. Alfred M. Scales of Rockingham County. General Scales had served in the Federal Congress; had then become a Confederate general of particular excellence and had subsequently represented his district in Congress for four terms. Because of his personal characteristics he had the respect and confidence of the people beyond others. He was the first of the antebellum Democratic public men to serve—for nearly a generation—and the last. Without flaw or blemish, in war and in peace, he honored the office of Governor. Maj. Charles M. Stedman of Wilmington, also highly esteemed, was the Lieutenant-Governor. Now for a decade public affairs ran smoothly save one little ripple on the waters. There was dissatisfaction in the western white counties because of the system of county government under which the county commissioners managing county affairs were elected by the magistrates and not by popular vote. In 1887 J. R. Webster of Rockingham, a Democratic editor of good repute, led in that crusade and was elected Speaker of the House. But eventually the opposition was quieted and the issue passed away. The progressive spirit that had prevailed was still manifested, and the people were busy, prosperous and contented. The Assembly of 1887 established the Department of Labor; nine banks were incorporated, a dozen academies and colleges, and no less than forty-seven industrial companies, while sixty acts were passed incorporating railroads and amending railroad charters. The most pretentious of these enterprises were the Atlantic & Northwestern Railroad from Smithville to Tennessee, and the Central & Northwestern from some point on this road in Richmond County to the northwestern section of the State, connecting with any Tennessee or Virginia road; and the Southport Terminal Company; while the Cape Fear and Yadkin Valley Railroad was relied on eventually to bring the coal from the coal fields to the Cape Fear. There was indeed a remarkable vision of possible achievement. The purpose extended not only to the development of the west, but to building

up a seaport and establishing facilities for commerce. To this end the State was to furnish convicts to assist in the construction of the new roads as it had in the building of other railroads.

After a steady growth in quiet development in all lines for four years Judge Daniel G. Fowle became Governor and the Governor's Mansion being now in readiness, Governor Fowle occupied it. But after two years of service, Governor Fowle unhappily died in the prime of life, being succeeded by Lieutenant-Governor Thomas M. Holt, a trained business man, manufacturer and agriculturist. Governor Holt's administration was likewise marked by entire quiet and progress. Prosperity prevailed.

Fowle, Governor

On the death of Judge Ashe in 1887, Joseph J. Davis succeeded him in the Supreme Court, and the next year because of the greatly increased work of the Court, by constitutional amendment, two more justices were added, A. C. Avery and James E. Shepherd becoming the new members.

The Supreme Court

In 1889, after ten years of service, Chief Justice Smith passed away, ending a career in which he had proved himself equal to every station; and Justice Merrimon became Chief Justice, Judge Walter Clark of the Superior Court being appointed to the vacancy of the members. In 1893 both Chief Justice Merrimon and Judge Davis died. Judge Shepherd then became Chief Justice and James C. MacRae and Armistead Burwell were appointed justices.

### Illiteracy

In 1850 the number of illiterate white males in North Carolina was 26,239; in Massachusetts, 11,578; in Pennsylvania, 24,380; and in New York, 39,179. Ten years later the number in North Carolina was 26,024; in Massachusetts, 16,909; in Pennsylvania, 27,560; and in New York, 47,703. The illiterates in North Carolina had slightly decreased, those in the other states named had increased. Such was the condition when the war brought on its disturbances. In the eastern and western counties in a large degree the schools were interfered with, and in 1865 they ceased throughout the State



until 1871. As a result the white male illiterates increased in the State to 44,420 in 1880, while the addition of the unlettered negroes largely increased the number.

The schools were partially opened in 1871. The number of pupils enrolled being only 115,060. At that time the Constitution made no distinction as to races, and the term was very short.

The Constitution was then soon altered allowing separate school districts for the different races.

Scarborough

The Superintendent of Public Instruction for seven years was John C. Scarborough, to whom is largely due the act remodeling the school law and who served very acceptably. By 1884 the average number of children attending school was, negroes, 66,619; whites, 106,318; total, 172,905. In 1890 negroes, 68,992; whites, 134,108; total, 203,912.

Pub. Doc.  
1901, No.  
9, 158,  
Mebane's  
Report

In 1880 the amount expended for the schools was \$376,662; and in 1890 it was \$714,903. The attendance was not in proportion to the expenditure. So many families were still indifferent to education that it was hard in the prevailing conditions to overcome the difficulties. Illiteracy still persisted.

Literary ac-  
tivities

Mrs. Moore

While literary activity had generally been confined to essays and addresses, yet there were some publications of a different nature. Mr. Wiley had early caused to be prepared some school books, different from the Northern publications. During the war Mrs. Marinda Branson Moore, who was a teacher in Glenn Anna Seminary under Rev. Charles F. Deems, prepared the *Dixie Primer*; the *Dixie Speller*; the *Dixie Readers*, 1, 2, and 3, and a geographical reader; and these were in use during the war in the public schools.

Mrs.  
Spencer

Mrs. Cornelia Spencer, the daughter of Dr. James Phillips, the professor of mathematics for forty years at the University, was fully equal to her distinguished brothers in intellectual power and her life was largely devoted to service. At the instance of Governor Vance and Governor Swain she prepared the valuable work the *Last Ninety Days of the War*, and, beginning in 1866, for twenty years she contributed a weekly column to the *North Carolina Presby-*

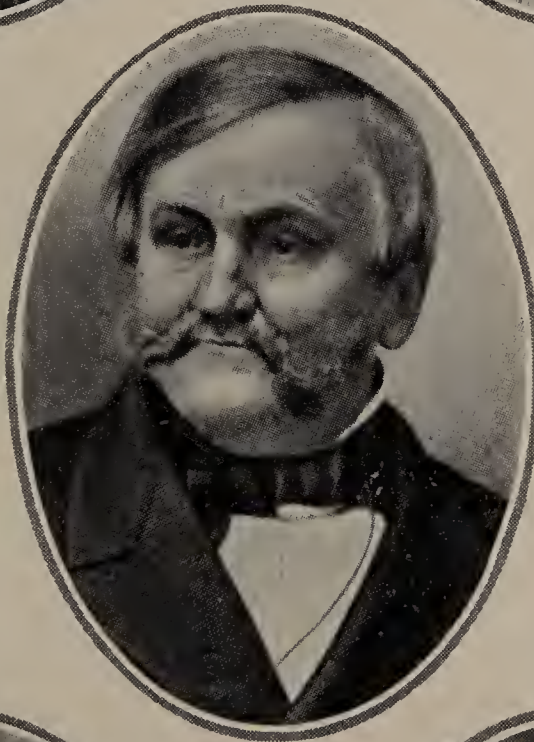




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1. Mrs. Marinda Branson Moore

3. John H. Wheeler

2. Mrs. Cornelia P. Spencer

4. Mrs. Sallie Southall Cotten

5. Mrs. Frances Christine Tiernan





terian, the series being a remarkable achievement in breadth and depth of Christian culture, and exerting a strong influence. She aided Dr. Battle's efforts to reopen the University with marked success, and later wrote a school history of the State of particular merit. She was the most illustrious woman of her generation in the State.

Mrs. Sallie Southall Cotton was first called to services as a North Carolina manager at the World's Fair, 1892, and her life has been much devoted to woman's work; making her influence felt among the Daughters of the Confederacy, and King's Daughters, and in the Federation of Woman's Clubs, whose activities, extending to every department of social and educational life, have made a marked impression on the State. Her principal literary effort has been *The White Doe*, an Indian legend, "fine in conception, true to tradition and graceful in execution: it reveals the intellectual breadth and poetic cast of the mind of the author." Indeed, Mrs. Cotton has largely contributed to rescue Virginia Dare from oblivion.

Mrs. Cotton

Quickly after peace, Haywood W. Guion published *The Comet*, *Captain Maffitt*, *The Nautilus*; there were novels and poetry by Miss Fisher, daughter of Col. Charles F. Fisher, under the name of Christian Reid; Holden's notable poem, "Hatteras"; publications by Boner, Fuller, Hill and Vance, and, later, Stockard. In 1877 appeared *Sketches of Western North Carolina* by Hunter, and in 1880, Moore's excellent history of the State, the first narrative history attempted. The next year Moore compiled the roster of the Confederate soldiers and then published a school history of the State. Then in 1889 Schenck's contribution to Revolutionary history was published, and Colonel Saunders addressed himself to the collection and publication of the colonial records, performing that great work most admirably.

Literary activities

Colonial Records

There was much intellectual activity among the public men. Doubtless the development was a natural effect of the experiences of the war and its subsequent strains. The Vances, Ransom, Armfield, Robbins, Schenck, George Davis and Joseph J. Davis, Ruffin, the Battles, Bynum, Merrimon



Social con-  
ditions

and many others of particular excellence gave luster to the period. Peace reigned, the people ever law-abiding were busy and contented. More than 6,000 schoolhouses and 6,500 churches dotted the hills. Indeed, North Carolina had nearly as many church edifices as all of the six states of New England put together. When one regards this happy scene and conditions of that period are contrasted with those they superseded, imposed by malignants, one is reminded of what has been elsewhere said: "Never in history has a people been so clearly and effectually vindicated as those gallant souls of North Carolina, who emulating the constancy of Hamilcar, swore their children to undying opposition to those who would destroy their civilization. Let the oppressed of future ages gaze on the scene and take courage."

## CHAPTER LXXI

### FUSION

The Farmers Alliance.—Peoples Party.—Carr Governor.—Vance reëlected.—Vance dies.—Jarvis Senator.—Material progress.—The press.—The election.—Fusion.—The Democrats beaten.—Butler and Pritchard Senators.—The Cape Fear and Yadkin Valley Railroad.—The Federal Court.—Boyd, Seymour, Purnell, judges.—Fusion continues.—The new State officers.—Friction.—The campaign of 1898.—At Wilmington.—The Revolution.—The result.—The war with Spain.—North Carolina Volunteers.—Armfield and Burgwyn colonels.—James H. Young colonel of colored regiment.—Ensign Bagley.—Lieutenant Shipp.—Lieut. E. A. Anderson, U. S. N.

#### The Farmers Alliance

Some years earlier the farmers in various remote states had started organizations for the benefit of those engaged in agriculture, the Alliance, the Patrons of Husbandry and the Grange; and eventually in 1887 the National Alliance was organized throughout the great Northwestern States. This was more political than the others and demanded that the government should control all money and transportation and every other public function. It soon extended into all the agricultural states, and under the active management of Col. L. L. Polk, a man of fine address and great plausibility, who had begun the publication of the *Progressive Farmer* and was an apostle to promote the prosperity of the farmer, it quickly became prevalent in a large portion of North Carolina. It appealed not only to those engaged in agricultural pursuits but as well to many others who desired to see the farmers attain the highest prosperity and reap the reward of their industry; and although no one could become a member unless he was a farmer, as all of North Carolina was more or less interested in agriculture, it had general sympathy. Soon it began to exert political influence within the established parties. Marion Butler, a brilliant young graduate of the University, bought the *Clinton Caucasian*

L. L. Polk



and along with the *Progressive Farmer*, and with the added influence of S. B. Alexander, Dr. Cyrus Thompson, Elias Carr and many other agriculturists of prominence, it soon exerted a strong power in the General Assembly and within the Democratic party. In 1891 Butler came to the Legislature as Senator from Sampson and began a notable political career. He urged with success the establishment of a Railroad Commission with power to fix rates and was strong for progress.

### The University

After the University had been revived through the efforts of Dr. Kemp Battle, in 1875, its usefulness increased year by year, and its graduates were helpful to the State. One of the troubles had ever been the need of competent teachers; already there were the Teachers Assembly, the county institutes, State summer schools, and summer normal schools at Wilson, Sparta and elsewhere. But while these were useful they did not increase the supply of teachers. Mrs. Cornelia Spencer was apparently the first to exert an influence that was beneficial. She urged higher education of women. Professor Winston at the University was imbued with a spirit to educate the people; and among his pupils who became in sympathy with him were Charles D. McIver and Edwin A. Alderman. McIver became a teacher himself and realizing the conditions, the need of trained teachers, while there were so many women of fine capacity in the country homes whose lives were being wasted, he determined to try to open the door of opportunity to them. His first wish was to fit women for a livelihood, and the need of teachers offered the means. In 1889 he successfully urged the Teachers Assembly to appeal to the Legislature to establish a training school for teachers, but at first the Legislature did not respond. However, McIver and Alderman now began one of the most interesting campaigns in the history of the State. For three years, winter and summer, they preached a crusade in behalf of universal education. Their text was substantially "universal education; woman the educator; education of woman the foundation

of human progress." In 1891, the Legislature agreed, and the State Normal and Industrial College for young women was established. Greensboro donated \$50,000, R. S. Pullen, R. T. Gray, E. P. Wharton and others gave \$10,000. Tuition is free to those who are to become teachers. Every county sends representatives, and the benefit in elevating the social condition throughout the State has been incalculable, while the advantage to general education has also been great.

In the meantime another agitation was in progress. While the University had continued to grow in usefulness, it had been suggested that it should broaden its curriculum and fit its graduates for more of the activities of life. The Legislature had in 1887 required the institution to take the notes of students for their tuition, and as to those who would agree to teach one year, to make no charge for the Normal Department. From time to time the appropriations had increased until it reached \$77,000.

The University

The Raleigh Observer

This fostering care of the University, which under the Constitution was at the head of the educational facilities of the State and under State regulation, however, led to opposition from some of those interested in the denominational colleges, and constant efforts were made to deprive the institution of State aid.

The opposition

These efforts came to a head in 1891 when Dr. Winston was President and was urging larger appropriations. It was insisted that the public school system should be confined to elementary education; that the people should not be taxed to provide higher education. Dr. Winston on the other hand, with great spirit and skill, maintained the cause of education in general and of higher education in the State. For months the battle raged and the subjects were agitated. When the Assembly of 1892 met the result was doubtful. It depended on the attitude of the Alliance members. Marion Butler, Senator from Sampson, was in sympathy with President Winston and the University, and he influenced the Alliance members to stand for higher education by the State. That cause then triumphed. The result has been notable, not merely as to the University itself but in incidental con-

The contest for higher education



sequences. While in 1891 the University ranked only second among the colleges in the State, in 1896 it outnumbered any two colleges, and its curriculum had been extended to many branches of applied sciences. Incidentally, there resulted a general interest in higher education and all the colleges have been benefited.

#### **Death of Scales and Holden**

In February, 1892, the State had to mourn the loss of Governor Scales, who survived his retirement from office only three years. In entire fidelity to the highest traits of manhood, Governor Scales had been distinguished among the public men of his generation and he enjoyed the esteem, respect and confidence of the people to an unusual degree.

In March, 1892, Governor Holden died. While after his impeachment he refrained from political activity, he engaged in editorial work at Washington City, and he was the postmaster at Raleigh where he resided. He was a man of gentle manners, courteous and kindly in his disposition, and had the personal esteem and good will of the community. He wrote historical and other articles, and for years he contributed a column of Sunday reading matter to the *News and Observer*, of which the author was the editor. His walk in life was entirely exemplary. After about twenty years there was a disposition, even among some of the former members of the House who had impeached him, to pass a resolution relieving him of his disabilities. When the subject was mentioned to Governor Holden, he said, "If they will say that I was right." That, however, ended the movement.

After his death, his *Memoirs*, which he had prepared, was published, being a valuable contribution to the literature of the period in which he was such a prominent actor.

#### **The influence of the Alliance**

When the election of 1892 was coming on the monetary condition of the country and perhaps of the world gave great concern. Here the coinage of silver had been entirely stopped. Silver was demonetized.

The Alliance had now so grown that it almost controlled the Democratic State Convention. It had announced the support of the Subtreasury Bill as a test of fealty to the interests of the public. This measure provided for the establishment of government warehouses in which produce could be stored and for the loan of money to the farmers by the government on that security. When the Convention met in June, 1892, as President Cleveland was a gold man, the supporters of his administration were ostracized, and while the Alliance delegates participated in the proceedings relating to State affairs, they withdrew when delegates were to be chosen to the National Convention. Governor Holt and others were candidates for the nomination for Governor and there appeared to be no expectation of any agreement when the name of Elias Carr was brought forward. Carr had been at one time President of the Alliance, was a farmer of large means and well educated. He had never concerned himself with public affairs. Now he desired to be nominated for State Treasurer but had no thought of being Governor. The Alliance men joined with others and nominated him. Then Rufus A. Doughton of Alleghany was selected for Lieutenant-Governor. But after some months the Alliance politicians joining the Peoples party offered a ticket of their own, Dr. W. P. Exum of Wayne for Governor. This was the consummation of the desire of the editor of the *News and Observer*, and of others who deprecated the dominancy of the Democratic party by the leaders of the Alliance, threatening its integrity and degradation as had been the result in South Carolina. The *News and Observer* had sought to make it intolerable for Colonel Polk to remain in the party wearing the garb of a Democrat and his separation from the Democratic party was a relief and satisfaction. Notwithstanding this defection, at the election the Democrats lost only 13,000 votes, Judge David M. Furches, the Republican candidate for Governor, lost 40,000, while 47,800 were cast for Exum. Carr's majority over Furches was 41,000. The vote for President Cleveland was 8,000 short of that for Carr.

The Sub-  
treasury

Elias Carr

The Peoples  
Party



Vance  
elected by  
the Alliance

Death of  
Polk

1893

April, 1894

Vance

While the Democrats still held the two houses of the Legislature those connected with the Alliance dominated in the caucus. As Senator Vance's term was about to expire a Senator was to be elected. Vance was ever close to the popular heart. He was not a supporter of President Cleveland's policies. He ever declared that he owed his public life entirely to the boys who wore homespun, the plow-boys, and he was sincere in his devotion to them. Colonel Polk, the directing genius of the Alliance, said he himself could be elected Senator, but he favored Vance. Vance was nominated by the caucus, but there was a resolution that he should support the subtreasury. It became known that he would not accept under that resolution, so it was modified, and he accepted and was elected to succeed himself. Quickly following these events Colonel Polk died and Butler became the leader in the Peoples party.

Governor Carr in his inaugural said: "Having never sought office, nor held office before, I am unacquainted with the routine or detail thereof, nor is the knowledge of the fact that the administration of my predecessor is considered one of the most substantial in the history of the State calculated to increase my confidence," etc. But he brought to the office a purpose to discharge every duty with integrity and patriotism.

The great Vance died April 14, 1894. He had been a popular favorite for decades, and in the Senate had come to be more and more esteemed. During his fifteen years of service he was vigilant to protect the liberties of the people and to defend the fair name of the people of the South. Then by incessant toil he mastered the great questions of tariff and finance and became the recognized leader of his party on those subjects of constant debate. "As the exigency demanded he used the battle axe of logic or the scimitar of irony with equal ease," and by his courage, candor and sincerity he commanded the respect and confidence of his adversaries and the applause of his friends. He was indeed a great Senator. But his labor left its mark. He suffered the loss of an eye, and impaired his health, and died in harness widely regretted.

To supply the vacancy in the Senate Governor Carr appointed Governor T. J. Jarvis, who, under Cleveland, had been Minister to Brazil and was versed in national politics; but he, like Vance, was now out of line with the President's financial measures.

Jarvis,  
Senator

Towards the end of his term, Governor Carr agreed to the lease of the North Carolina Railroad to the Richmond and Danville Railroad Company for a period of ninety-nine years. This was some years before the existing lease would expire and for such a long period as to amount to a sale. As a mere business transaction it yielded the State fine profit, but it was ill-advised since it deprived the State of its control over an important transportation line and was in contravention of the original purpose to market our western products through our own seaports.

1895

He leases  
the N. C.  
Railroad

### Conditions

At this time there were 173 cotton mills in the State, of which twenty-three were in Gaston County, twenty in Alamance, fifteen in Randolph, fourteen in Mecklenburg, nine each in Richmond and Guilford, seven each in Cumberland, Durham and Catawba and five in Lincoln. The tobacco crop under the stimulus of the factories now perhaps of more importance than the cotton factories, had increased until in 1895 it had reached 114,000,000 pounds, valued at \$10,556,300. The cotton crop had in twenty years also reached 100,000,000 pounds, or 250,000 bales. The railroad mileage within the State was now 3,616 miles. The Paint Rock branch of the Western North Carolina Railroad was completed in 1882, and the Murphy branch in 1890, and every part of the State except the northwestern counties had transportation. The expenditure for schools in 1895 was \$783,405 and the schoolhouses numbered 6,566, while there were about 100 academies and private high schools. The University was flourishing and the antagonism to higher education by State aid had subsided. Trinity, Wake Forest and Davidson were well patronized as were also the female seminaries; the A. & M. College and the Normal College

Material  
progress



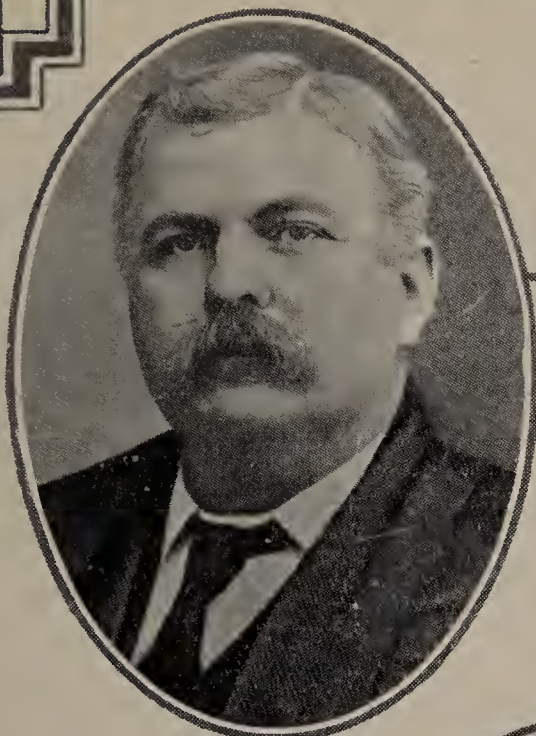
at Greensboro were answering the expectations of their founders and gave promise of great benefit to the State. Twelve daily papers and 170 weekly papers now attested the growing dissemination of general information; and it should be noted that early in 1894 the *News and Observer*, the leading paper in the State, passed into the hands of Josephus Daniels who has since continued to be its owner and editor. With these fortunate advances in every line of industrial and intellectual progress, no longer could North Carolina be called "Rip Van Winkle," for the State was fully awake, activity prevailing in every community, the development being a cause of great gratification.

1894

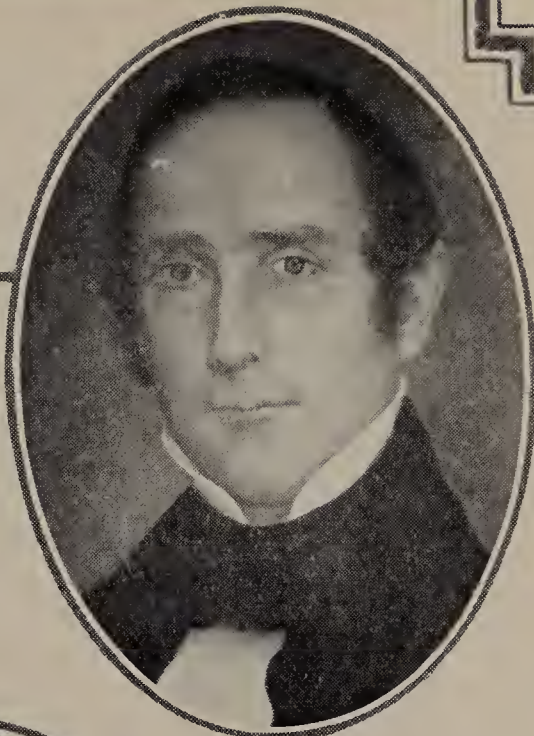
The Pop-  
ulists and  
Republicans

Two Senators were to be elected by the next Legislature, and Donald Bain, the Treasurer, having died in 1873, the Governor had appointed S. McD. Tate to the vacancy and the position was now to be filled by election, and a Chief Justice and two Associate Justices were also to be elected. Thus the campaign of 1894 was of particular importance. In the meantime the attitude of the Cleveland administration toward silver and the prevailing low prices of produce had driven from its support all interested in agriculture. The financial situation was indeed on the verge of a panic and business depression was ominous. Marion Butler and his associates agreed with the Republican leaders for co-operation, and the Populist Convention nominated William H. Worth of Guilford for Treasurer, William T. Faircloth, a Republican, for Chief Justice, and for associates David M. Furches, the late Republican candidate for Governor, Walter Clark, then on the bench, and Henry G. Connor, Democrat, who had but recently left the Superior Court bench, highly esteemed for his judicial career and having the confidence of the State. Judge Connor, however, declined the nomination, and Walter A. Montgomery, another Democrat, was substituted for him. The Democrats nominated the several incumbents of these offices. In September the Republican Convention confirmed "the fusion," it being understood that they were to have one of the Senators. Thus "the coöperation" became effective.

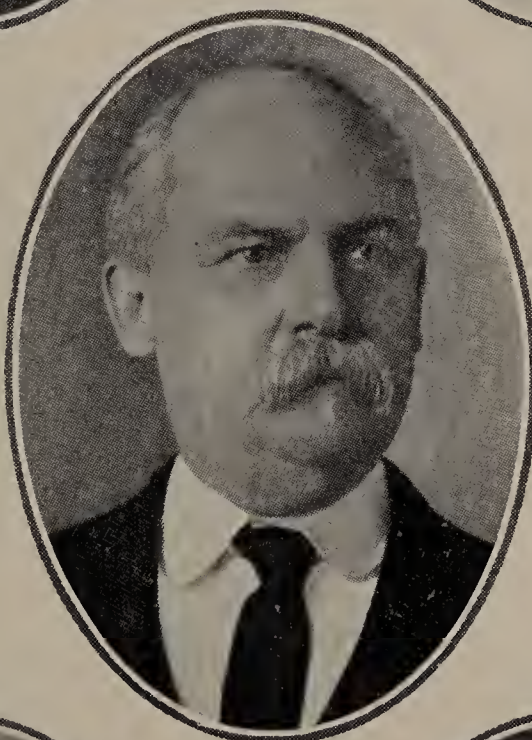




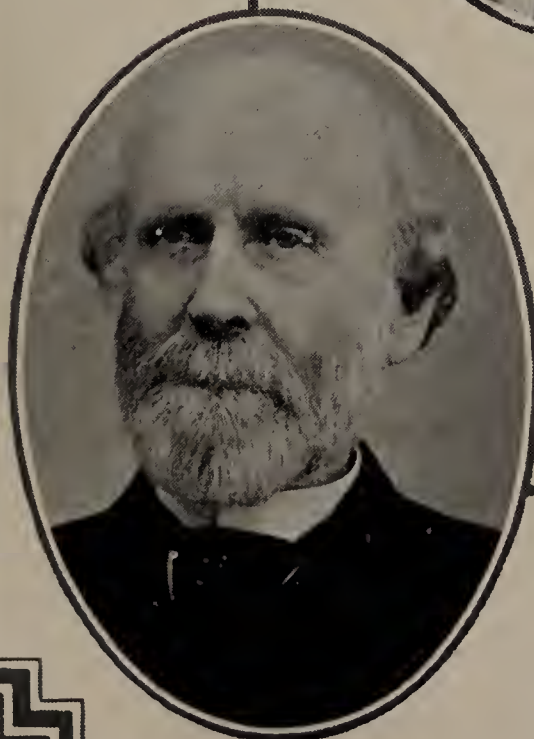
1



2



3



4



5

1. Jeter C. Pritchard

4. Theodore B. Kingsbury

3. Walter Clark

2. Asa Biggs

5. Joseph P. Caldwell





Ransom and Jarvis actively entered on the campaign for the eastern senatorship, the latter not sustaining Cleveland's attitude as Ransom did. Captain Ashe also was a candidate. The divergence between the administration and the agricultural people seemed to render the cause of the Democratic party hopeless and Ransom's candidacy gave positive point to the difference. He bore the banner of the administration. It had been better had he realized the conditions. By skillful arrangement the coöperation was entirely successful, the Democrats electing only 54 out of the 170 members of the Assembly, two members of Congress, and Judge Clark, who being voted for by all parties, was retained on the Supreme Court. The Populists had 60 members and the Republicans 56, but while the former dominated in the legislative caucus, the Republicans organized the House, elected Zeb Vance Walser Speaker, and carried out their platform undoing what the Democrats had done in removing causes of friction between the races and in establishing local government at the east on a reasonable basis. Again the counties were placed under popular control, the charters of the towns amended, and the negroes were dominant over the whites in many instances.

1894

The Democrats beaten

Butler and Pritchard were elected Senators. Butler in the Senate made an enviable record, for he led the way in establishing rural route mail deliveries, postal savings banks and parcel posts, and in providing for the construction of submarines; while Pritchard so impressed himself at Washington that he later entered on a judicial career in the Federal Courts that brought him high distinction and particular esteem.

1895

The Senators

### **The Cape Fear and Yadkin Valley Railroad divided**

The Cape Fear and Yadkin Valley Railroad in 1883 promised to be of great importance to the State, offering the hope of a through line from Wilmington to Cincinnati and other northwestern cities. In 1893 after it had been completed to Mount Airy and had 284 miles in operation and was near making connection with the Norfolk and Western



The Cape  
Fear and  
Yadkin Val-  
ley Railroad

Railroad, the financial depression of that period brought disaster. For five years the road was in the hands of a receiver, and it was later sold under proceedings in the Federal Court. The purchasers now divided it, the part from Sanford to Wilmington going to the Atlantic Coast Line and the Mount Airy Division to the Southern. The expectation of great benefit from a through line to the west was thus defeated.

### **The Federal Court**

The State having, in 1872, been divided into two Federal Court Districts, while Judge Brooks continued as the Judge of the Eastern District, Judge R. P. Dick was appointed for the Western District. In July, 1892, Judge Dick was succeeded by Hamilton Ewart who like his predecessor was highly esteemed both for his judicial learning and personal characteristics. However, he resigned in July, 1900, and was succeeded by Judge James E. Boyd, who had been District Attorney since 1881. In the Eastern District the esteemed Judge Brooks was succeeded on February 20, 1882, by Judge Augustus S. Seymour, who, after a most acceptable service, was succeeded by Judge Thomas R. Purnell in May, 1897.

### **Fusion continued**

1896

Russell  
elected  
Governor  
1896

In view of the approaching election of President and of State officers some of the active men in the several parties sought to form new combinations, but the general result was to leave the former coöperation in force, as to all officers except presidential electors. There seemed no hope of Democratic success, but Cyrus B. Watson of Winston allowed the use of his name for Governor while W. A. Guthrie, an Alliance man, also was a candidate, and Daniel L. Russell was the Republican nominee. Bryan carried the State but Russell received 153,787 votes; Watson 145,266, and Guthrie, not fully supported by the Alliance, 31,143. Only one Democrat, W. W. Kitchin, was elected to Congress; and only thirty-three Democrats were elected to the Legislature.

The Republicans now were virtually in full control of all the great departments of the State government. Russell, who in early life had become greatly embittered against the Democrats of his section, was entirely out of touch with the men who had had administrative control of affairs.

When the Assembly met January, 1897, Lieutenant-Governor Charles A. Reynolds presided in the Senate and A. F. Hilleman of Cabarrus was elected Speaker.

While the chief State officers, Dr. Cyrus Thompson, the Secretary of State; William H. Worth, the Treasurer; Zeb V. Walser and Robert D. Douglas, the successive Attorneys-General, and Hal W. Ayer, the Auditor; and particularly Charles H. Mebane, the efficient Superintendent of Public Instruction, performed their duties well, yet many of the Republican officials were untrained and some of them were deficient in proper qualifications for management.

Excesses were complained of and the attitude of the administration toward the races and the alteration in local government led to friction in communities. At last conditions here and there at the east became unbearable. The conduct of some of the negroes could not be tolerated. It was no longer a matter of mere political domination but of public safety. Locally, civilization was in danger of giving place to anarchy. Social order was threatened. Business men took alarm. F. M. Simmons, who had earlier been the Chairman of the Democratic Executive Committee, a man of fine administrative ability and gifted with wisdom, was again called to the helm. Difficult and almost hopeless was the situation, but Mr. Simmons addressed himself to it with fine intelligence and a purpose to succeed. He sought to placate all who had withdrawn from the Democratic party and to engage the service of all who might be led to assist in the work of rescuing the State, calling to his aid every one who could exert an influence to that end. Governor Jarvis, C. M. Cooke and a bevy of other representative men were constant workers at his headquarters during the entire campaign, preparing literature and otherwise rendering material assistance. White supremacy clubs were organized and in several communities there appeared

1898

Friction

Simmons,  
Chairman

The whites  
consolidated



companies of Red Shirts. It was, however, the club organizations that rendered the most effective service in drawing the white people together under the pressure of the existing conditions that called for remedial action. Every county was visited by chosen speakers. Charles B. Aycock, R. B. Glenn, the Kitchins, Locke Craig and others made memorable canvasses, while nearly every public man the people held in regard was doing his best to consolidate the whites. Whether at the council board or in the field, the devotion of the participants was equal to the emergency. The appeals were not in vain. Former differences were largely ignored. The whites again stood together. At Wilmington there had been such intolerable conditions that the future of the community seemed at stake. Before election day this feeling was so intense that it was deemed essential that there should be some remedy. In the hope to effect it the Democratic nominees for the House of Representatives withdrew and Judge George Rountree and Martin Willard replaced them as candidates, and some white Republicans themselves coöperated, and they were elected. When the great campaign ended the Democrats had secured 134 members of the Assembly, the Republicans had thirty, and the Populists six, the Alliance men having returned to the Democratic fold. While there were shocking conditions elsewhere, at Wilmington the business men found it necessary to take action. After the election a mass meeting of one thousand citizens was held and took what they deemed appropriate steps to meet the conditions.

#### **At Wilmington**

The negro editor of a newspaper who had editorially maligned the chastity of the white women and otherwise had fomented race antagonism, was on November 9, after the election, required to leave the town. He did not do so. A procession of a thousand white citizens went to his office, proposing to render it useless. Although not so intended, it was burned. During the subsequent excitement, when the negroes on the streets were directed to go to their homes, some of them fired on the whites and a race conflict was

precipitated. The military was called out. Four hundred special policemen were put on duty. Two hundred men hurried from Fayetteville, Goldsboro, New Bern and intervening points; and an unascertained number of negroes were killed.

1898  
Nov.

The business men and their leaders acted with a strong hand and expelled from the city several white men who were particularly obnoxious, and also some negro men. Mr. Chadbourn, one of the most substantial business men of the Cape Fear region, a Republican in politics, offered to secure a change of city administration by having the local officials to resign, to be replaced by such others as the business men would select. This was done, and Alfred M. Waddell became Mayor. This has been called the Wilmington Revolution. Apprehensions were entertained that similar steps might be taken elsewhere leading to an extensive race conflict, and Mr. Simmons hastened to New Bern and influenced his friends to remain quiet. And so also at other points there was forbearance. The clearing of the atmosphere at Wilmington and the removal of the incubus that had stifled that city were happily followed by a revival of business and of prosperity and of renewed friendly intercourse between the races, so that the city speedily entered on a fortunate career of development.

The Revolution

### The war with Spain

When suddenly in 1898 war broke out with Spain and the President called for volunteers, North Carolina was among the first to respond, whites and blacks manifesting their patriotism. Joseph F. Armfield, who had been Colonel of the Fourth Regiment of State Guard for several years and was eminently qualified for the distinction, was on April 27, 1898, commissioned Colonel of the First North Carolina Volunteers and the men who had long been trained by him now gathered around him. Capt. C. D. Cowles of the United States Infantry was assigned as Lieutenant-Colonel and W. G. Smith of Asheville, George P. Rutzler of Charlotte and George E. Butler of Clinton were the Majors of the Regiment. The regiment was assembled at Camp Bryan

1898

Colonel  
Armfield

Adjt.-Gen.  
Royster's  
roster, 1900



Grimes, near Raleigh, and was mustered into service May 2, 1898. On May 18 they were ordered to proceed to Florida and on May 23 they were in camp at Jacksonville. It was not until August that the War Department needed these troops for foreign service, and then the regiment was directed to be in readiness to proceed to Porto Rico, then Spanish territory; but peace negotiations being now begun, the regiment was held in Florida until December 7, when it sailed for Cuba, arriving near Havana on the 11th. Being the first American soldiers to arrive at Havana they received a welcome that will be remembered by those who witnessed it. Pen cannot describe the intense gladness, almost bordering frenzy, displayed by the Cuban people at the sight of their liberators. On the 18th of March the regiment returned to Savannah and were mustered out.

Colonel  
Burgwyn

William H. S. Burgwyn was commissioned Colonel of the Second Regiment May 7; Andrew D. Cowles of Statesville, Lieutenant-Colonel; William T. Wilder, a graduate of West Point with fifteen years of military service, Benjamin F. Dixon of Shelby and John W. Cotton of Tarboro were the Majors. Colonel Burgwyn had commanded the celebrated Fifth Maryland Regiment of Baltimore. Major Cotton had seen twenty-three years service in the State Guard, during seven of which he served as Brigadier-General. Of this regiment it is recorded that Colonel Burgwyn, Majors Dixon and Cotton, Captains Dawes, Bell, Jones, Smith and Cobb had followed Lee and Jackson and Hoke in the great war, and Chaplain Osborne, as Colonel of the Fourth North Carolina Troops, was one of the most gallant officers of the Lost Cause, bearing on his person the scars of many wounds, and now for years had been a beloved soldier of the cross. The Second Regiment, like the First, assembled at Raleigh, and after six weeks different battalions were sent south and were assigned duties at Atlanta and along the coast of Georgia and Florida. It was mustered out in November, 1898.

Adj.-Gen.  
Royster's  
roster, 1900

The Third  
Regiment,  
J. H. Young,  
Colonel

The Third Regiment was composed of colored troops. James H. Young of Raleigh was commissioned Major of the Russell Black Battalion of three companies, which was mus-

tered into service as of May 12, 1898. On the 19th of July it, with seven other companies, became the Third North Carolina Regiment with Young as Colonel; Charles S. L. A. Taylor Lieutenant-Colonel, Andrew J. Walker and Andrew J. Haywood as Majors. This regiment remained at Fort Macon until September when it was moved to Knoxville, Tennessee, and in November to Macon, Georgia. The regiment was mustered out at Macon in January and February, 1899. It is thus seen that only the First Regiment went abroad, but all were ready and willing, anxious to do their part for their country and the flag.

#### **Ensign Bagley—Lieutenant Shipp**

While our regiments were not in an engagement, two young North Carolinians in the regular service fell in this war, deeply regretted. One was Ensign Worth Bagley of the Navy, whose figure stands in Capitol Square, erected by a spontaneous movement of private citizens in token of their admiration. He was the grandson of Governor Worth and possessed many of his fine characteristics and was educated at Annapolis. An officer of the *Winslow* that was engaged in the harbor of Cardenas, he fell on May 11, 1898, along with two others instantly killed, and two others wounded. His loss was greatly regretted.

On July 1, 1898, Lieut. William E. Shipp of the Tenth Cavalry, fell in the battle of San Juan near Santiago de Cuba. He was a son of Judge William M. Shipp, Attorney-General, elected in 1870, was educated at West Point and had served in the warfare with the Indians with distinction. In this battle he was leading a charge up a hill when shot through the heart, and was instantly killed. His death was deeply lamented.

Lieutenant  
Shipp

Ensign Bagley was born and raised in Raleigh; and Lieutenant Shipp had married Miss Busbee of Raleigh, and the sacrifice of their lives was a community sorrow.



Navy officers

On the sea the North Carolinians in the regular Navy did their duties well. Lieut. Edwin A. Anderson of Wilmington was on the U. S. S. *Marblehead*. He did such work at night in Cuanbeno Bay that his commander reported to the Commander-in-Chief: "I desire to call your attention to the work done in this respect by Lieutenant Anderson, which required courage, coolness and great nerve." Later on the occasion of cutting ocean cables from an open boat, close to the shore off the harbor of Cienfuegos, August 15, 1898, while exposed to the fire of a regiment of Spanish infantry, half of his crew being killed or wounded, he was promoted by act of Congress, five numbers, for "Extraordinary heroism in action."

## CHAPTER LXXII

### WHITE SUPREMACY

The Assembly meets.—Connor Speaker.—The constitutional amendment.—The Corporation Commission.—Department of Insurance.—The Democratic Convention.—Aycock nominated.—The amendment adopted in August.—Aycock elected in November.—Impeachment of judges.—Governor Russell's message.—The close of the century.—New things.—Schools.—Education.—Tobacco manufacturing.—Cotton manufacturing.—Electricity transmitted.—The passing of old customs.—Musters.—Camp meetings.—Memorial Sunday.—Patriotic societies.—Guilford Battleground Park.—Moore's Creek.—Mecklenburg Declaration of Independence.—The outlook.

#### The Democratic Assembly

When the Assembly met Judge Henry G. Connor was elected Speaker of the House, the choice being illustrative of the character of the body, and fortunate, for Judge Connor had more thoroughly than any other man the confidence and esteem of the people. Jan. 4, 1899

In 1897 Captain Ashe had proposed as an incentive to stamp out illiteracy, a constitutional amendment, that after three years no one coming of age should be admitted to registration unless he could read and write. The consequences of fusion had brought the State to the verge of a race war, with its untold horrors if once begun. The most thoughtful men of the State realized that something had to be done, not in the way of partisan politics but to preserve peace between the races. Mr. Simmons had Mr. Daniels to go to Louisiana and ascertain the working of the amendment to the Constitution of Louisiana, known as the "Grandfather's Clause." Mr. Daniels reported in favor of the amendment.

In the meanwhile Judge Rountree had been urged by the most interested citizens of Wilmington to consider what



## The Constitutional Amendment

might be done. A bill was drawn to amend the Constitution similar to the Louisiana amendment. When the Assembly met Judge Rountree was appointed Chairman of the Committee on Constitutional Reform. Judge F. D. Winston, who had been very active in the campaign, introduced it, and it was referred to the Rountree committee. It was long and elaborately discussed in caucus.

Mr. Simmons invited many men of standing to express their views in the newspapers. It was generally thought free from objection. Rountree's committee finally reported the measure amended in some particulars, and it passed both houses, receiving the vote of nearly every Democrat. In effect the bill was that no person shall be admitted to registration unless he can read and write, but with the exception of those persons who could vote in 1867 and their descendants, who were to be enrolled on a permanent registration which, however, was to be closed in 1908.

## Corporation Commission

## Department of Insurance

## County government

The Legislature transacted much other business of importance. It abolished the Railroad Commission and established the Corporation Commission, electing Franklin McNeill, S. L. Rogers and E. C. Beddingfield the Commissioners; the superintendence of insurance companies had been committed to the Secretary of State; now a Department of Insurance was established and James R. Young was appointed the Commissioner; and the Department of Agriculture was now of such importance that the Commissioner was to be an officer elected by the people. And besides, the Assembly reversed much of the Republican legislation. A dozen counties, where there was most need, were now placed under the system of county government that had been established twenty years before, but the other counties were allowed to remain under commissioners chosen by the voters.

The all-absorbing matter in the public mind was the proposed constitutional amendment. Mr. Simmons considered that it should be divorced from national politics and voted on by the people in August, rather than in November, and as there might be some possible interference because of constitutional questions, the Legislature deemed it wise to adjourn to meet in June, 1900, before the election.

The amendment was regarded as of vital consequence, but there were apprehensions; and while naturally the negroes were arrayed against it, both Senator Butler and Senator Pritchard strongly opposed its adoption, and their arguments found favor with many of their supporters; but on the other hand many men of capacity and intelligence held that the amendment was not obnoxious to any constitutional objection, and urged that it should be adopted. At the previous election the whites had stood so solidly together that the Democrats now felt that the Alliance defection had ebbed and that they were again to have the care of the State.

The question

As the day approached for the State Convention to convene the friends of several gentlemen presented their names for Governor, but Mr. Aycock's canvass in 1898 had entitled him to particular consideration, and Mr. Simmons, the Chairman of the Executive Committee, thought it his due. When the Convention met in April Aycock was nominated by acclamation. His father was long the Clerk of the Superior Court at Goldsboro and as Senator had been a true man in Confederate times, and he himself was the embodiment of the virtues, likewise inherited from his mother, a descendant of the Hooks, a family of local distinction for generations. He was an orator whose work had in part brought about the situation, and now with clarion voice he dedicated himself to fulfilling his obligation. W. D. Turner of Iredell was the nominee for Lieutenant-Governor. Benjamin R. Lacy for Treasurer, J. Bryan Grimes for Secretary of State, General T. F. Toon for Superintendent of Public Instruction and Robert D. Gilmer for Attorney-General.

April, 1900

Aycock  
nominated  
for Governor

The campaign for the adoption of the constitutional amendment was well on, and Aycock and nearly every other Democrat was heart and soul for the measure. Aycock, however, was the knight bearing the banner. In particular he sought to assure those whites who apprehended that their children might be disfranchised. He pledged himself that no white child should ever be disfranchised for the want of school facilities. He registered a solemn pledge that there

June, 1900

The cam-  
paign



Aug., 1900 should be ample school facilities, and to that end he dedicated himself and his energies. So earnest were his assurances and such was the spirit of those in coöperation with him that the vote for the amendment was 182,217 while the negative vote was only 128,285. The vote for Russell had been 153,787 and for Watson 145,266. About 25,000 white Republicans voted for the amendment on the promises of Aycock and his confreres, and in November when the election for Governor came on, Aycock received 6,400 additional votes and by far the largest vote ever then cast in the State; and the Democrats elected all the Congressmen except two. Such was the consummation of Mr. Simmons's desire, bringing peace to the State, setting at rest forever those disturbing causes that put in jeopardy the best interests of all the people of the State. And now the Democrats had to make good their campaign pledges.

Nov., 1900

The Republicans vote for amendment

Aycock elected

On November 13 Attorney-General Walser resigned and Robert D. Douglas, a grandson of the famous Senator Stephen A. Douglas, was appointed to the vacancy. On December 20 Chief Justice Faircloth died and Governor Russell appointed David M. Furches Chief Justice, and to supply the vacancy on the Court he appointed, January 7, 1901, Charles A. Cook of Warren County. This was about the last of Governor Russell's official acts.

Robert Douglas, Attorney-General

Cook Judge

Before Judge Faircloth's death there had been presented to the Supreme Court a series of cases involving questions relating to tenure of office, and Chief Justice Faircloth and Judges Furches and Douglas having concurred in decisions that some deemed based on political rather than judicial considerations, under the spur of outside influence the House proposed articles of impeachment against Chief Justice Furches and Judge Douglas. While many of the leading Democrats, not members of the Assembly, were not in sympathy with this proposition, it still was pressed through the House. At the trial Lieutenant-Governor Turner presided in the Senate as a court of impeachment, and his fairness received the plaudits of all interested. The Democrat members of the Senate were not convinced that there was any

criminal intent on the part of the members of the Court in rendering the decisions, and the judges were acquitted. Indeed, on only one article was there even a majority voting guilty, the vote on that being twenty-seven to twenty-three instead of a two-thirds majority, while there were forty Democratic Senators and thirty-four was necessary for conviction. Among the attorneys appearing for the judges were Governor Jarvis, F. I. Osborne, Charles M. Cooke and F. H. Busbee, while others who had long been associated with the Democratic party had no sympathy in the impeachment proceedings.

On retiring from office, Governor Russell pointed with satisfaction to the conditions prevailing in the State: "Cotton manufacturing is increasing beyond the dreams of thoughtful men of the past. . . . The actual aggregate wealth of the State has increased so that for the first time in forty years it probably equals the values which prevailed before the destruction and disasters of the civil conflict." In particular he commended the work of the Geological Survey and the Agricultural Department, and while he expressed gratification at the general development, he said of the A. & M. College, he believed that no other institution "is doing more to elevate the standard of our civilization than is being done at this college." The annual State receipts had now reached \$1,545,000 but the expenditures were in excess of the receipts. During his administration the public schools had been under the supervision of C. H. Mebane, who won the esteem of the State by his devotion. But still public education had not made satisfactory advancement. In 1893 the average white attendance had been 142,362, and colored 74,417; now in 1900 it was, whites 142,418 and colored 64,505; while the number of public schools taught had increased from 6,818 to 7,391 and the annual school fund was over \$1,000,000.

Russell  
retires

Mebane's  
Report,  
1901, No.  
8, 158

But notwithstanding the increase in the number of schools and of the expenditures and despite the influence exerted by the graduates of the University, the A. & M. College, the other colleges and the Greensboro Normal, the attend-



ance remained about stationary. Indeed, the census of 1900 recorded that there were 111,222 white illiterates over twenty-five years of age, and therefore born before 1875. Of these about 76,000 were affected during the school age by the war and its results. But there were some 35,000 others who had had opportunities to attend school and yet were in 1900 rated at illiterates. The necessity for compulsory attendance was apparent and Mr. Mebane in his report recommended compulsory education.

### **The close of the century**

At the close of the century many changes were noted in the condition and life of the people. Indeed, it had been the most progressive century in history and North Carolina shared in the benefits. The Sunday schools, the public schools, general education, city hospitals were here; the lightwood fire on the hearth had given place to candles, lamps, gas and electricity; the steamboats, railways, street cars provided transportation. The telegraph and telephone quickened life; the cook stove and vegetables and fruits were in the homes; and it is to be noted that the use of corn meal was now not so general.

While the settlement of the far west with the use of steel rails with large locomotives for transportation had brought the products of Western fields in competition with Eastern food crops; yet cotton and tobacco were sources of revenue. The fisheries on the sounds continued, the rice fields of the Cape Fear had reverted to nature. The turpentine industries had passed from the coastal plain to the south, and in a measure were replaced by trucking and small fruits. The inland waters were turning busy wheels and manufacturing was employing many families.

While the new corporations formed under the general law of the State evidencing association of capital were 115 in 1894, in 1900 the number had risen to 309. The State revenues that were in 1877 \$533,635 now were \$1,618,103.

The University under George T. Winston had greatly extended the scope of its work. Alderman in 1896 suc-

ceeded to the presidency and for four years pressed forward the work of making the institution a benefaction to the State. Under his administration women were admitted as members of the higher class, and he urged for women a post graduate course. Now the students numbered more than five hundred and were constantly increasing.

Likewise the A. & M. College under President Holladay and the State Normal College for Women under McIver had educated thousands of young men and women who had returned to their homes in every county, carrying culture and elevating and broadening social life and imparting a spirit of independence, self-reliance and enterprise to their respective communities that was working a most beneficial change throughout the State. And in this great work Wake Forest, Davidson and Trinity—Trinity having been removed to Durham in 1892—were doing their part in ever-increasing usefulness, widening the influence of education and building up the social structure of the commonwealth.

In time tobacco manufacturing brought remarkable results. In the early years before 1872 Blackwell of the Blackwell & Carr Company used personally to peddle their product, the Durham Bull smoking tobacco, throughout the country and similarly P. H. Hanes and others likewise traveled and personally sold tobacco.

Tobacco  
manufac-  
turing

The Dukes, in 1870, had a little log house on their farm where they were the only hands in preparing smoking tobacco, but in 1873 they started business at Durham, then a mere station on the railroad, James B. Duke being the traveling salesman. In 1872 Hanes and his brother began business at Winston, a little suburb of Salem, and three years later R. J. Reynolds followed the example. Eventually the Durham Bull Tobacco became worldwide and that company was very prosperous.

The Duke Brothers, James Buchanan Duke being the active head, G. W. Watts the financial secretary, W. W. Fuller the legal adviser, became so successful, their particular output being cigarettes, that in 1890 they brought



together many of the leading tobacco companies and formed the American Tobacco Company, with J. B. Duke as President.

About the same time R. J. Reynolds organized the R. J. Reynolds & Company at Winston and after some years bought out "at a princely fortune" P. H. Hanes & Company, whose output was seven million pounds. The Reynolds Company within two decades had a capital of five millions, employed forty-five hundred operatives and turned out twenty-seven million pounds of flat tobacco, and before the close of the century Duke bought out the Blackwell & Carr Company for about a million dollars. The money received by Gen. J. S. Carr in that sale and that received by P. H. Hanes became of great value in their respective cities, being used as the foundation of many diversified industries. Especially was this the case at Winston-Salem, where all the profits of manufacturing have been at once converted into other manufacturing plants, with the result that Winston has outstripped all other cities in the State in wealth, population and manufactories.

Cotton  
manu-  
facturing

Cotton manufacturing had likewise made great headway. While in 1883 and earlier Edwin Atkinson, the practical philosopher and publicist of Massachusetts, had pressed the view that cotton manufacturing could not succeed in North Carolina because of an unfavorable atmosphere, yet the event disproved the theory. The first factories were small but being profitable the earnings were speedily used to build others, and that process continued. The stockholders were North Carolinians and the profits not being carried off to other parts were invested locally yielding compound interest, in the way of multiplying the plants.

While Mr. Atkinson was in error as to the atmosphere he likewise overlooked the real advantages of the Piedmont section as a seat of manufactures, which consist in the convenient water power, and more than all in the character of the operatives. At the North many of the operatives speak a different language from that of the managers and owners of the mills; here incident to the thickening of population they are drawn from the families of the neighboring

country, being of the same stock as the owners, thrifty, industrious and persons of character, and having such personal relations with the managers that measurably there are no grievances to complain of, so that contentment and co-operation prevail. That, indeed, has been the particular reason why cotton manufactures have prospered, the character of the operatives and the attitude of the managers toward the employees; and since the factories are chiefly located in the country, one of the results has been the retention of the people in the counties instead of their being drawn to the cities, so that the State is fortunate in the distribution of its population.

Indeed, while during the decade ended in 1900, the urban population had increased sixty-six per cent, still the rural population had increased some two hundred thousand and only Arkansas, Mississippi, Idaho and the two Dakotas had such a large per cent of rural population. In 1899 there were 3,465 manufacturing establishments in the State with 72,322 wage earners, their products being valued at \$85,274,000; and the number of farms had increased forty-six thousand, with an increased valuation of \$37,000,000.

Abstract  
1914

### **Fries supplies electricity**

The end of the century marked a most interesting development—one of the great footprints of time. From the early years of the Moravians of Salem there was witnessed in that community enterprise united with intelligence, and among those who ever stood among the foremost in usefulness was the Fries family. In 1898 the Fries Manufacturing & Power Company of Winston-Salem installed the first power transmission plant in the State. They developed a water-power on the Yadkin River near the crossing of the Mocksville Railroad which marked the beginning of a new era. In April, 1898, they converted the water-power into electricity and transmitted a thousand horsepower more than thirteen miles to Winston-Salem. It was a great achievement in connection with our expanding industries.

Power  
transmission



The first consumers of the power were: The Arista Cotton Mills, who used 300 h.p.; the Wachovia Grain Mills, 80 h.p.; the F. & H. Fries Woolen Mills, 80 h.p.; Fogle Brothers, 50 h.p.; J. A. Vance, 30 h.p.; Southside Cotton Mills, 300 h.p.; Southern Chemical Company, 80 h.p.; Winston-Salem Railway & Electric Company, 300 h.p.

The beneficial results have well answered the promise. Since that first entrance into this new realm, water-powers have been developed and transformed into electric power until in a quarter of a century there is now being generated about a billion kilowatt hours of electric power.

The new century thus opened great possibility of industrial progress.

#### **The passing of old customs**

Many of the old customs had fallen into desuetude. The quarterly meetings of the county courts, the musters, the many camp meetings had passed away.

Of the muster, one account is: "Occasions of much interest were the old field and general musters, which were kept up until the late war. Beall's Old Field, situate about four miles from Beattie's Ford, was the most noted muster ground.

"Here all the able-bodied freemen, from the age of eighteen to forty-five, constituting the militia of the country, would assemble for inspection at least once a year. Here, also, came the old men and the children, the matron and the maid, the rich and the poor, to view the pride of their country, its sturdy yeoman soldiery.

"Here the devoted maid, the fond and affectionate mother and the proud wife saw alike her gallant lover, her dutiful son, and her manly husband 'pass muster.'

"Here also came the 'ginger cake woman,' with her wagon load of fragrant sweet-bread and a plentiful supply of hard cider to appease the hunger and quench the thirst of the multitude.

"Here also came the bullies of the neighborhood to decide the bullyship, with gloves off, in a 'free fist and skull fight,'

as it was called. A circle was made, a ring was formed, and no one was allowed to enter until one of the contestants cried 'enough.' The fight never lasted but one round."

While there were association meetings, there was hardly a survival of the old "camp" assemblages; one, however, continued, that of Rocky Springs, in Lincoln County, near the Catawba line, five miles from Beattie's Ford. It was founded by the Methodists, but was attended by all denominations from this section and from surrounding counties. "It was laid off in a square, with a large arbor in the center, around which rows of tents were erected. There are now about three hundred and twenty-five tents on this ground and the average yearly attendance is from ten to fifteen thousand people. It is incorporated after the style of a town, and is governed in much the same way.

Meetings are still held here regularly, embracing the second Sunday in August and continuing from Friday until Wednesday. Services begin every morning about eight o'clock and continue, with short intermissions, until about ten at night. At times the religious fervor becomes so intense and the excitement so great that many people shout in a loud voice at the same time. A disinterested party, hearing these shouts and groans from a distance and not knowing their nature, would think that the people from whom they issued were in dire distress. Hundreds of men and women date their conversions from these meetings.

And there was an old custom of memorial Sunday still observed in some of the mountain counties, where indeed the family loom is yet to be found.

The custom is of long standing for memorial exercises to be held in the graveyards. It is a unique and very interesting service. Thousands of mountain people gather, after the crops are laid by, on some Sunday in the graveyard. They come from the surrounding section with flowers and decorate the graves. The preacher of the church usually preaches a sermon, but frequently others of distinction who are in that section, or come that day, are asked to make an address. It is an inspiring and beautiful service. The people usually spend the day and bring their lunch. But far



above all in popular interest have ever been the Easter observances of the Moravians in Salem.

### **Patriotic societies**

On the passing away of old-time customs, new ones have replaced them, and the women especially have formed associations and other organizations and clubs.

The Ladies Aid Societies of 1861, after peace came, were generally converted into memorial societies, which to some extent have been continued, along with the Daughters of the Confederacy, whose organization extends throughout the Southern States. Similarly there was organized about 1880 a State Veteran Association and that gave place to the United Veterans Association, likewise embracing all the Southern States. About 1896 the Society of Cincinnati was revived and the North Carolina Society of the Cincinnati now has a larger membership than that of any other state. Also the Colonial Dames, the Sons of the Revolution and the Daughters of the Revolution and the Daughters of the American Revolution are flourishing patriotic societies. In 1900 the Daughters of the Revolution began the publication of the *North Carolina Booklet* at Raleigh, confined to articles on great events in North Carolina history, which has been of material advantage in fostering literary effort and in disseminating information about historical events that otherwise would have passed from the public memory.

### **Guilford Battleground—Moore's Creek Bridge**

In May, 1887, Judge David Schenck, animated by the patriotic purpose of making a park of the historic battlefield of Guilford Court House, where Cornwallis's fine army was so severely handled, associated J. W. Scott, Julius A. Gray, D. W. C. Benbow and Thomas B. Keogh, all of Greensboro, with himself in the laudable undertaking. Eventually they succeeded in buying the numerous tracts of land covered by the battlefield and from year to year they busied themselves with restoring the roads and marking the historic spots and erecting memorials, Judge Schenck being the president and directing spirit and zealously devoting himself to the work.

Every year there was a celebration attended by some ten or fifteen thousand people whose interest in North Carolina history was quickened by the association. In 1902, Judge Schenck dying, Joseph M. Morehead became president, and the work was continued by him until his death in 1911, when Paul W. Schenck succeeded him. At length, in 1917, Congress took over the battlefield and converted it into a national park, Mr. Schenck continuing as the Managing Director, while the two other directors represented respectively Maryland and Delaware, each having had troops in the battle. Monuments and statues adorn the grounds, the most notable being the equestrian statue erected to General Green and the arches in memory of General Nash and General Davidson; and this national park, the result of Judge Schenck's conception, zeal and persistent endeavors, will ever be a lasting memorial of North Carolina's heroism and sacrifice in the dark days of the Revolution.

Before the war of 1861, there were celebrations at Moore's Creek Bridge, and when peace came these were continued, and later the Moore's Creek Association was formed to perpetuate memories of that first regular battle of the Revolution; and there is annually a great celebration at Charlotte of the first movement for independence in May, 1775.

Moore's  
Creek  
Bridge

Mecklenburg  
Declaration

It is to be remarked that the great religious revival of 1800 now had its counterpart in the pervading spirit of the people to establish schools and diffuse education. The adoption of the constitutional amendment and Aycock's election as Governor marked an area in the history of the State, for it emphasized what McIver and Alderman had made the subject of their crusade a decade earlier, universal education as the duty of the State.

Education

In general, prosperity prevailed, while as the beneficent result of the constitutional amendment, the relations between the races were entering on a new era of natural friendliness and helpfulness. Indeed, the clouds and storms of earlier years had passed away—the sun was high and bright in the heavens. The State, with Aycock at the helm, was to make still greater progress than ever. Such at the end of the century was the achievement of the young men who stood with Hoke at Bentonville.

The outlook



## CHAPTER LXXIII

### DEMOCRATS REGAIN CONTROL

The new century.—The Assembly liberal.—Joyner's report.—Simmons Senator.—Revaluation.—The Watts Law.—Library Commission.—Jamestown Exposition.—Supreme Court.—Historical Commission.—Highway Commission.—Lease of Atlantic and North Carolina Railroad.—Improved conditions.—The people approve.—The election.—State progress.—The Economic Survey.—Board of Health.—National Guard.—Compulsory attendance at school.—The great campaign for education.—Jamestown.—Industrial progress.—Utilization of electricity.—The commerce of Wilmington.—Antagonism.—Railroad rates.—The Legislature acts.—Conflict of the courts.—Judge Long's firm action.—The decision of the Supreme Court.—The compromise.—Prohibition.—Automobiles.

#### Aycock's administration

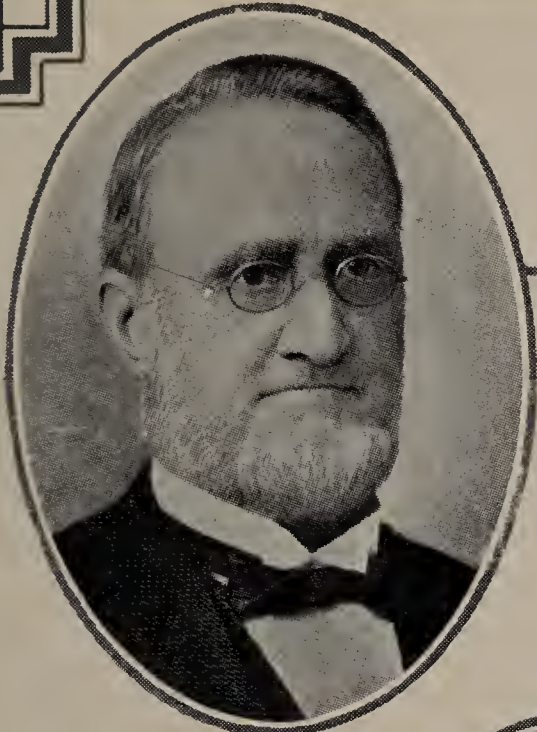
1901

The new century opened very auspiciously for the people of North Carolina. Fusion between the Republicans and the Populistic elements of society had been tried and repudiated. Matters based on racial differences in the inhabitants, apparent to the whites for a century and brought within possibility by the action of the North, had come to a head and been dealt with so as to largely eliminate friction, and there was ushered in a period of greater kindness and contentment. The ensuing Democratic administration was pledged to the utilization of the powers of government for the promotion of education, and there was a spirit to broaden public functions and improve the social conditions of the people. And fortunately now the industries of the State were becoming more remunerative and additional expenditures could be made without overburdening the taxpayers. The clouds of the past were gone. The sky was bright with hope and purpose.

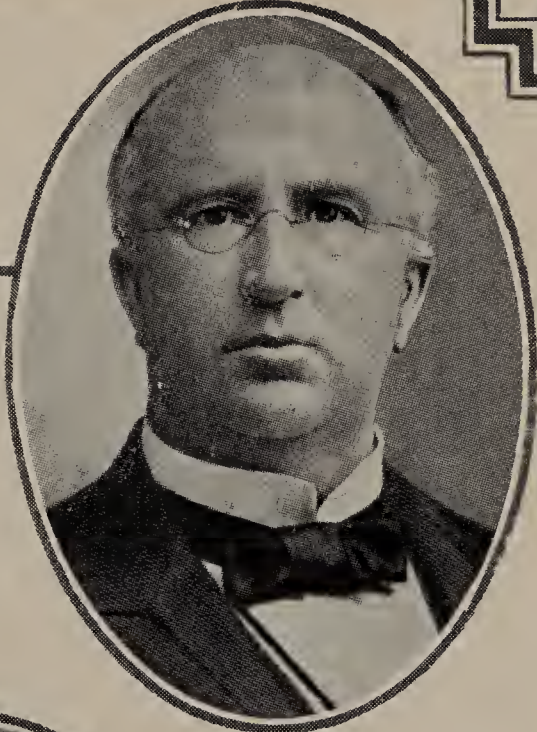
Jan. 1901

The Legislature having met on the 9th of January, the Senate was presided over by Lieutenant-Governor W. D. Turner of Iredell, and the House by Speaker W. D. Moore of Jackson County. The Assembly was in full accord with





1



2



3



4



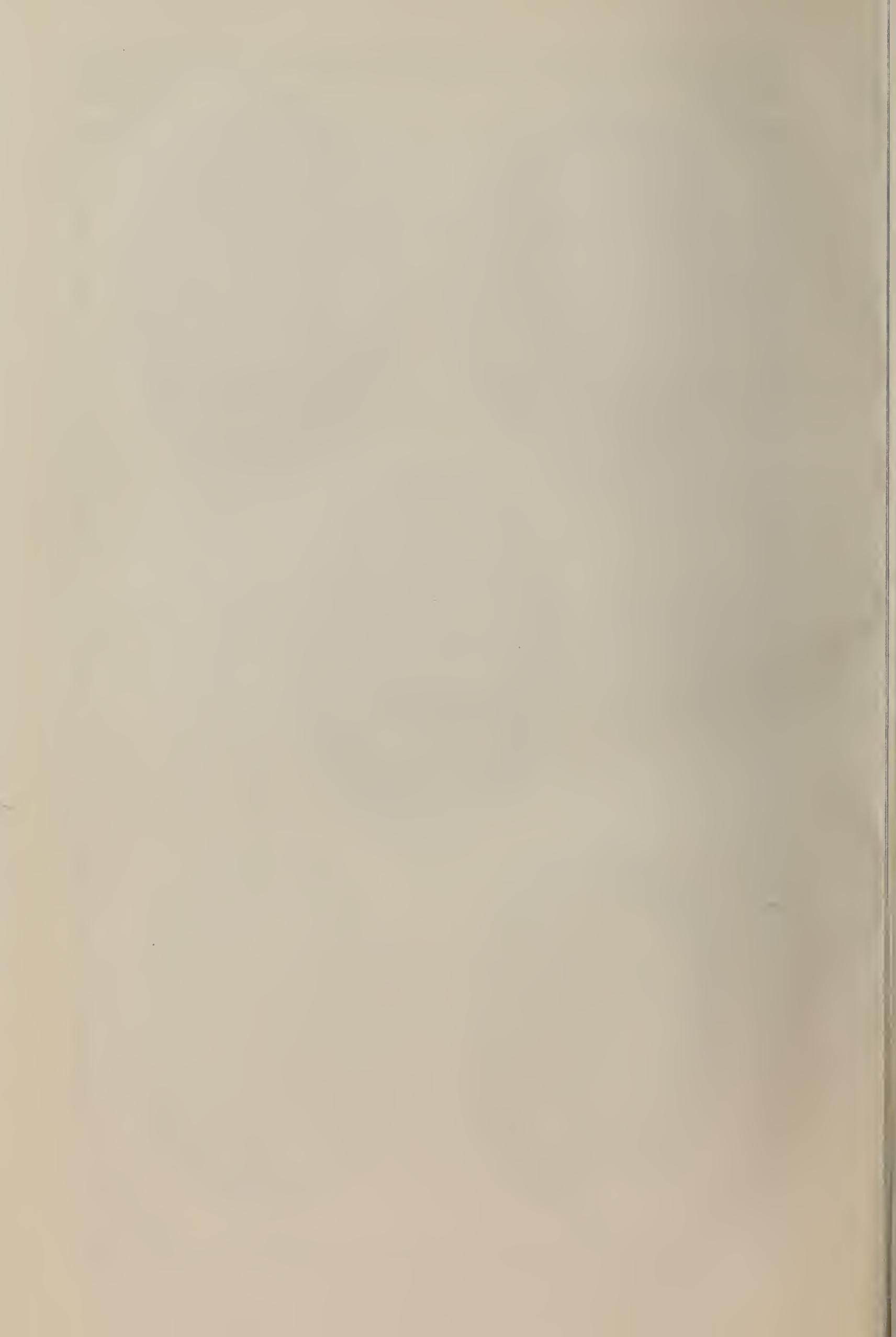
5

1. Kemp P. Battle  
4. James Y. Joyner

3. Charles B. Aycock

2. George T. Winston  
5. Charles D. McIver





the spirit of progress that influenced Aycock, who a week later was inaugurated. The keynote of the inaugural was Education, and the Assembly was responsive. Indeed, in making appropriations the Assembly was so liberal that \$300,000 was granted in excess of the revenues. Still Aycock was not content; he continued his campaign to arouse the people in the cause of general education, and with such success that Dr. J. Y. Joyner, Superintendent of Public Instruction, the successor of General Toon, who had died, was able to report that for every day in the year, except Sundays, a new schoolhouse had been built, the number being then 7,264, although unhappily there still remained 850 districts needing better schoolhouses. Fortunate indeed was the selection of Joyner for this particular work of Superintendent of Public Instruction, for he was as devoted as Aycock himself. He was eager to eliminate illiteracy, which was now on the decrease, for since 1890 it had decreased four per cent among the whites and thirteen per cent among the colored people, while the increase in expenditures for schools since 1874 had quadrupled.

Joyner  
Superin-  
tendent

Joyner's  
efficiency

Many were the difficult problems for the Legislature to solve, but there was no cessation in the campaign to arouse the people to their full duty to educate every child in the State.

Senator Butler's term in the United States Senate was to expire in March, 1901, and to succeed him, the Democrats at the November election in 1900 submitted the nomination to the Democratic voters of the State. Mr. Simmons had served one term in Congress some ten years earlier and had been chairman of the Democratic State Committee in 1892, and then again he had conducted the great campaigns that resulted in restoring the ascendancy of his party and the adoption of the Constitutional suffrage amendment. The eyes of the people now turned to him as their choice for the highest honors they could confer. However, some friends of Julian S. Carr of Durham, a popular favorite, prevailed on him to become an aspirant. The result of this

Simmons  
Senator



first statewide primary was the overwhelming choice of Simmons. When the Assembly met, in conformity with the popular will, Simmons was elected Senator and took his seat March 4, 1901, entering on a career of unsurpassed usefulness as a Senator from North Carolina.

Revalua-  
tion

To meet the rising tide of expenditures, the Governor and the Assembly caused a revaluation of property, that of the railroad companies being increased from \$33,619,860 to \$70,628,523, and the valuation of private property was similarly increased; that of lands to \$220,303,333, and of personal property to \$127,327,943. At that period the State debt was \$6,831,270, chiefly accrued before 1861. The expenditure for schools was \$1,651,940.

After the disastrous statewide prohibition campaign of 1881, the temperance advocates again resorted to local option, and many counties and townships by popular vote prohibited the sale or manufacture of alcoholic spirits. At length the use of strong drink became a nuisance, especially in the vicinity of mills, and another move was made to apply a corrective.

The Watts  
Law

Senator Simmons, seeking to serve the best interests of the State, although now in a measure separated from merely State affairs, conjointly with his clerk, Mr. A. D. Watts, a member of the Assembly from Iredell County, framed a bill prohibiting the sale or manufacture of liquor except in towns having police protection. The Legislature passed it, and the effect was very beneficial. Such was a step on the road to prohibition.

Prohibi-  
tion

New  
measures

At this session the Library Commission was established, the operations of the State Board of Health were greatly enlarged, and there were training schools established.

In view of the Jamestown Exposition to be then held, the Legislature determined to make an exhibit as had been previously done on similar historical occasions, and \$30,000 was appropriated to construct a building and defray the expenses. Among other expenditures to be noted was for pensions for the old soldiers, \$207,882, and for the Soldiers Home, \$18,000.

At the election of 1902, Henry G. Connor, who had earlier been a distinguished judge of the Superior Court, and Platt D. Walker once of Wilmington, but later an esteemed attorney at Charlotte, were elected to the Supreme Court and Walter Clark became Chief Justice.

At the next Assembly S. M. Gattis of Orange became Speaker of the House, and the spirit of improvement still prevailed. Along with the increased valuation of property, the school taxes had risen to \$1,296,824 and the county taxes to \$2,127,456.

At this session the Historical Commission was established and among the more interesting advances was the establishment of a Highway Commission, under whose operations there were good roads conventions held, and State and local good roads associations were formed. The public men of nearly every county were alert to promote the object. The State allowed the use of convicts, and local taxation was resorted to in substitution of the ancient system of calling out the inhabitants.

Lee S. Overman, who had been Vance's Private Secretary when Governor, had acceptably served as Speaker of the House in 1893, and had long been in close touch with public affairs, was now selected as the western Senator, taking Vance's place after Judge Pritchard's term had expired, and, like Simmons, entering on a long career of usefulness.

Under Aycock's admirable administration the penitentiary was placed on a paying basis, and the fields of usefulness of all the State institutions were enlarged, the sale of liquor was confined to towns and conditions were agreeable both to the whites and the colored people, while the efforts of Aycock's educational campaigns distinguished his administration above all others in its happy influences. Gentle and sympathetic as he was by nature, he still could be as firm as a rock in the discharge of a public duty, and once when called on to defeat a scheme concerning the Atlantic and North Carolina Railroad that was detrimental to the State's interests, he did so with power and vigor that added to his fame. It was in con-

Supreme  
Court

1903

The High-  
way  
Commis-  
sion

Historical  
Commis-  
sion

Overman  
Senator

Aycock

Purnell  
and Daniels



nection with a proposed lease of the Atlantic and North Carolina Railroad to the Howland Company that Judge Purnell of the Federal Court issued an injunction order under circumstances that led the *News and Observer* to so excoriate him for his action that he cited the editor, Josephus Daniels, for contempt of court, and ordered his arrest; but Judge Pritchard quickly discharged Mr. Daniels, much to the chagrin of Judge Purnell, but with the approval of the law-abiding people of the State.

Leased  
A. & N. C.  
Railroad

Improved  
Conditions

Aycock's  
plan

The people  
approve

Governor Aycock now made a ninety-three years lease of that railroad to the Howland Company, and the rental has ever since been regularly paid. He had the satisfaction of seeing his progressive measures under way in all departments of the government and the State well advanced on a course of general improvement when he retired from office. Indeed, such progress had been made in our industries that the amount invested in manufacturing was stated at \$141,000,639; the products being \$142,520,776, and the value added to the cost of the material \$63,252,772. Similarly agriculture had flourished. But above all his strenuous advocacy of the doctrine that it was the duty of the State to educate every child, black as well as white, imparted to his administration its abiding color. So the opening of the century brought with it a vision and promise, not only of larger values of increasing manufactures and remunerative industries, but of more revenues, better schools, easier transportation and more thorough control of alcoholism; and likewise admirable manifestations of patriotism.

Glenn  
elected

At the election of 1904 Aycock's administration received a gratifying approval by the people. Robert B. Glenn, who had like Aycock entered largely into the campaign of 1898, and for the amendment in 1900, being nominated for Governor by the Democrats, received 121,761 votes as against C. J. Harris, the Republican nominee, whose vote was 79,505. In this campaign the educational policy of Aycock was prominent in the public mind. The accomplished Francis D. Winston of Bertie, who had been a Superior Court judge, was then chosen Lieutenant-Governor.

During Aycock's administration on October 1, 1904, <sup>1905</sup> Matt. W. Ransom, distinguished in war and in peace, passed away. He had been United States Senator for twenty-four years, and then had served as minister to Mexico.

### Governor Glenn

Glenn came in as Governor at a period when there was but little partisan antagonism. Indeed, at the election of 1904 in the presidential canvass the Democratic vote fell off 33,000, and the Republican vote 42,000; while Glenn received 58,000 less than Aycock; and C. J. Harris 48,000 less than S. B. Adams. The diminution in the Republican vote may be attributed in great part to the constitutional amendment, but still many thousands of men qualified to vote now did not do so. Apparently they were content for the purposes emphasized by the Aycock administration to be carried into execution.

In the House the Democrats had about four to one Republican, and in the Senate, the preponderance of the Democrats was even greater.

At all points the State was making progress. When Governor Glenn delivered his inaugural he enlarged on the outlook, and spoke with patriotic enthusiasm. Our increase, declared he, agriculturally, industrially, educationally and morally, has been phenomenal. Indeed, the influence of the Normal College, of the A. and M. College, of the University, and other colleges was manifesting itself in every way in the elevation of the citizenship. Still there was a drawback, the insufficient roadways. "Oh," exclaimed the Governor, "mud and illiteracy lay the highest tax on the State," and he declared that as Aycock should be known as the Educational Governor, he desired to stand in history as the apostle of better roads.

Glenn's  
hope

State  
program

Conditions were now favorable. In the last twenty-five years the population had doubled, while the increase in wealth and industries had gone forward in accelerating ratio. The people had made earnings and their savings



were being compounded annually, while thousands of families found remunerative employment in the neighborhood factories.

1905

Geological  
SurveyExpansion  
of State  
functionsBoard of  
Health

The Legislature, with Lieutenant-Governor Francis D. Winston presiding in the Senate and Owen H. Guion of Craven Speaker of the House, was responsive to the patriotic call for improvement. The Geological and Economic Survey was started under the direction of the State Geologist, Joseph Hyde Pratt. The scope of its work was as extensive as the resources of the State; not merely the mineral, forest, fisheries and similar subjects were committed to their examination, but the water-powers and water supply and road building materials were to be investigated. Every diverse interest was to be considered in the light of science. Similarly the work of the Board of Public Charities was greatly extended and the Board of Health became an active force in the betterment of the State, the compensation of the county superintendents being now fixed locally by the commissioners of the counties, and the general requirement of the laws more thoroughly observed. Indeed, the State was now concerning itself with nearly every matter that touched on the lives of its citizens. Not a vestige was left of the philosophy of Nathaniel Macon.

National  
Guard

In 1892, the militia in the National Guard had been divided into two classes, the active and inactive, the former being designated as the National Guard. In 1907 the organization of the National Guard was further perfected, a coast artillery corps, a naval brigade, two troops of cavalry and hospital and ambulance corps being organized. The several branches of the service had their encampments and vessels were assigned for the use of the Naval Militia.

Compulsory  
attendance

The Legislature had already made it compulsory that all blind children should be taught, and now it provided that whenever a majority of the voters of any county or school district shall choose to have it, the school board shall order the compulsory attendance of all children between the ages of eight and sixteen for a term of sixteen weeks annually.

Such was the beginning of compulsory attendance; and the Supreme Court now decided that the county commissioners had to provide schools of four months duration. The statistics of illiterates remained relatively unchanged. The daily attendance was only 308,468, although the whole school population was 715,716. Surely such figures indicated a need for a compulsory law. 1907

Education, therefore, continued of the first importance in the public mind. The campaign for its promotion was continued by public addresses through the press, by bulletins, without cessation, under the admirable direction of Joyner, Aycock, Glenn, and R. D. W. Connor; by teachers, lawyers, editors, preachers, business men and others; while the women's associations for the betterment of schoolhouses had no small influence on the result. The subject of illiteracy, too, was thoroughly considered by a strong committee under Massey and Foust, in aid of the educational campaign, and compulsory attendance in schools was recommended. The school terms were lengthened, better teachers provided, and a larger attendance of pupils attained; and along with this, industrial progress continued.

Joyner's  
Report

P. D. 3,  
1907, p. 10

Governor Glenn reported that at the Jamestown Exposition, for which the State eventually appropriated \$50,000 for the display by the whites and \$5,000 for that by the negroes, the State's exhibit was a great success, many prizes being awarded to both races of our people. And when the Assembly met in January, 1909, the Governor was able to say, "Cotton mills have been built in every section, and while we produce over 600,000 bales of cotton we manufacture more than we raise, and the rattle of 53,446 looms and 2,878,148 spindles make sweet music to our ears; while we have the first place in the manufacture of plug and smoking tobacco, second place in the manufacture of furniture, first place in the number of chairs produced; and the largest pulp factory in the world is in western North Carolina."

Jamestown  
Exposition

P. D. 1  
1909, p. 3

Some of the holders of the repudiated special-tax bonds sought at different times to collect these bonds. One of the methods of procedure was to donate the bonds to a state that might sue in the Supreme Court on them. Such

Great  
industrial  
program



The repu-  
diated  
bonds

an effort was to be made in 1905, using the State of New York for the purpose. This led Capt. Samuel A. Ashe to make a publication in regard to the origin of these bonds, which was regarded as a sufficient reply to any demand for payment. Governor Glenn had an interview with the Governor of New York, who thereupon refused to go on with the unfriendly undertaking.

### Utilization of electricity

While there had been some smaller enterprises in the way of transmitting electricity in New England and there were two or three such plants in South Carolina, that of the Fries Company, Winston-Salem, in 1898 was by far the most important. Eventually the Catawba Power Company, following the example of the Fries Company, constructed a plant of 10,000 horsepower on the Catawba River twenty miles below Charlotte, which was completed in 1904, and began to supply Charlotte, Rock Hill, Chester and other points with electricity, furnishing thirteen cotton mills with power.

In 1887, Egbert Hambley, an English engineer of great reputation and experience in gold mining in India, Africa and other countries, came to Rockwell in Rowan County and was employed in connection with the mining operations of eight English gold mining companies in this State, and, besides, he was instrumental in bringing into North Carolina six million dollars employed in various enterprises. At length in 1898, he formed the Whitney Company and proposed to develop, at the Narrows of the Yadkin, a water-power of 27,000 horsepower. His operations were the most extensive and in results one of the most valuable in the history of the State.

Eventually, in 1905, Hambley had a vision of transmitting electricity from the Yadkin Narrows to Albemarle, Salisbury, Lexington and other points and for use at the Gold Hill Mine and the many mines in which he was interested, and for cotton mills. Forming the Whitney Reduction Company, he built a dam just below where the Southbound Railroad now crosses the Yadkin. This dam was a dream

of architecture, hewn granite up and down stream, thirty-five feet high and 1,000 feet long, the water directed into a canal fifty feet wide and five miles long to his powerhouse at Palmer Mountain. But unfortunately Hambley did not live to complete his work.

### **Duke's Southern Power Company**

Simultaneously with Hambley's beginning his great work, in 1905, James Buchanan Duke, who had long been at the head of the great American Tobacco Company and had amassed millions in tobacco, turned his attention to electricity and formed the Southern Power Company. The Southern Power bought out the Catawba Company and began the construction of additional plants on the Catawba. In 1907 the Great Falls plant was in operation, and by 1908 the Southern Power Company produced 71,000,000 kilowatt hours of electricity. In the meantime the Rockingham Power Company had its plant at Blewitt's Falls on the Pee Dee and supplied power locally; and soon the Carolina Power & Light Company, after adequate preparation, became one of the first companies to enter the field of supplying electricity. In August, 1908, it had a plant capacity of 5,000 horsepower, had put up sixty-one miles of transmission lines, furnishing Raleigh, Sanford and Fayetteville, had 1,115 electric customers and furnished power to eight cotton mills. However, the product of these companies was in excess of the then demand for electricity. Still the advantage of electricity because of its relative cheapness was appealing, and presently new uses for the power and the erection of new factories were stimulated. Such was the first considerable advance made in this utilization of electricity. North Carolinians relatively led the way in this use of transformed water-power for industrial purposes: but some years elapsed before it began to supplant the old wheels and steam.

Carolina  
Power &  
Light  
Company

### **Progress of Wilmington**

In 1883 steps had been taken to increase the importance of the ports on the lower Cape Fear and much was hoped



The  
Sprunts

from the construction of the Cape Fear and Yadkin Valley Railroad. These expectations not being fully realized, the Legislature now authorized each, the county of New Hanover and the city of Wilmington, to use \$1,000 to prepare statistics showing the advantages Wilmington had as a gateway port that might aid in securing legislation in Congress in that connection. Indeed, Wilmington was now entering on an era of remarkable improvement in her commerce and hope and confidence in her future animated her progressive citizens, and the necessity for deepening the water approach was now pressing. Immediately after the war Alexander Sprunt and his son, James Sprunt, had entered on the business of exporting naval stores and later turned to cotton as their chief article of commerce. By 1889 the firm of Alexander Sprunt & Son had established one hundred agencies through which their compressed cotton could be marketed in Europe and their great business added largely to the importance of North Carolina's seaport. Sailing vessels had given place to steamships, but in a single year more than thirty vessels had grounded in entering the port. River improvement was essential. Senator Ransom had earlier been active in securing appropriations by Congress, and later, Senator Simmons, on the Senate Committee of Commerce, had successfully urged additional appropriations, and all the while the commerce grew equally with improved facilities. At length, augmented by the great business of the Sprunts, at this period—1908—the vessels had reached 864,071 tons; and the annual commerce was over forty-nine millions of dollars. The action now taken led to still more important additions. The appropriations for 1909 and 1910 were \$400,000 and the commerce at once rose to \$52,214,000. The banking capital was about \$2,000,000 and the jobbing trade reached \$50,000,000. The enterprise, skill and business ability of the great exporting firm were now bringing about remarkable results, and its high standing was thoroughly appreciated in the foreign marts of commerce and in financial circles.

In 1881 the first foreign steamship, the *Barnesmore*, sailed from Wilmington. She carried 3,458 bales of cotton and

drew fourteen feet. Since then with the active coöperation of our Senators and Congressmen, the river improvements were constantly increased, so that the *Holtie* sailed in 1913 carrying 20,300 bales, and drawing twenty feet, with seven feet underfoot to spare, for the depth from the city to the sea was then twenty-seven feet. Since then there have been many larger vessels with larger cargoes dispatched abroad by the enterprising Sprunt firm, and perhaps by others as well. However, it is chiefly due to the exertions and influence of James Sprunt and Senator Simmons, on the Committee of Commerce in the Senate, that the gratifying improvements in the commercial facilities of the State's chief port have been accomplished.

Cape  
Fear  
Chroni-  
cles, p. 501

### Freight discrimination

But notwithstanding these material improvements all was not serene. To evade the act confining the manufacture and sale of spirituous liquors to incorporated towns where it would be under police supervision, many new towns were incorporated to facilitate the traffic. This had been met by forbidding the manufacture and sale in towns with less than 1,000 inhabitants; and then by making the place of delivery the place of sale. These inhibitions excited great antagonisms, which likewise renewed the opposition of the prohibitionists and the anti-saloon men. But the altruistic sentiments that animated them and the educators was not so fierce as the indignation and sense of injustice that aroused the people on the subject of railroad transportation rates. The companies were charging three and three and one-half cents a mile for travel, and there was great complaint over discrimination in freight rates. In 1907 the Assembly took action and prescribed two and one-fourth cents per mile for passengers, making any company violating the act liable to a penalty, and any sale of a ticket by an agent a misdemeanor, punishable by fine and imprisonment. At once the Southern Railway appealed to the Federal Court, and Judge Pritchard, taking jurisdiction, issued an order enjoining the Attorney-General and others from

1907

Railroad  
rates

Acts Assem.  
1907,  
ch. 216



Judge  
Long's  
firmness

seeking to enforce the act of the Assembly until its constitutionality could be determined, the hearing to be at the October term of court. But at the July term of Wake Superior Court, Judge B. F. Long presiding, the Southern Railway having ignored the act, both the company and T. E. Green, the local agent, were indicted by the grand jury. Green was arrested. Now conflict of judicial powers came above the horizon. But Judge Long was firm. The year before he was holding court at Salisbury. Three negroes who had committed murder had been arrested and confined in jail. The case was for trial the next day, when a mob broke open the jail and lynched the prisoners. Judge Long called in the grand jury and told them, "God Almighty reigns and the law is still supreme. This court will not adjourn until this matter has been investigated." The Solicitor, W. C. Hammer, stood with Judge Long; and at length one Hall was ascertained to have been a leader of the mob, was tried, found guilty and sentenced to the penitentiary for fifteen years.

1907

In this Green case, there being great excitement throughout the State, to meet possibilities Judge Long with equal firmness ordered the sheriff to turn Green over to the court. The trial of the case proceeded regularly. On the trial both defendants were found guilty. A slight fine was imposed on Green. The company appealed to the Supreme Court. The serious question in the case was whether or not the Federal Court could forbid the operation of a criminal law of the State.

145 N. C.  
Reports,  
511

In a voluminous opinion Judge Platt D. Walker discussed the question with learning and breadth that reflected credit on the State. The court held that the Federal Court could not enjoin State officers from obeying the criminal laws of the State; that the agent was punishable for his misdemeanor, but that the company was not liable to be indicted, as it was liable for the penalty prescribed. Now, the railroad company asked Judge Pritchard to modify the original order of the Federal Court, permitting it to obey the State law pending litigation. The situation led to such conflict-

A com-  
promise  
reached

ing positions that a compromise eventually resulted. Governor Glenn called a special session of the Legislature to meet January 21, 1908. In the meantime Speaker Guion had been transferred to the judiciary, and when the Assembly convened the House elected to succeed him E. J. Justice, a man of fine abilities, and great industry, well versed in public affairs and animated by a spirit of progress.

By compromise the Legislature now made the rate two and one-half cents a mile; and it appropriated \$5,000 for the Governor to employ counsel to present the freight discriminations to the Interstate Commission. This notable action resulted in establishing satisfactory rates in all the Southern States.

The Governor, while submitting the railroad matters to the Assembly, also recommended an election as to statewide prohibition. And now State prohibition was submitted to the people to be voted on in May. At that election, prohibition received 113,612 votes, with 69,416 against, being the reverse of the result in 1881, when the vote was 48,370 for and 100,325 against. This act made it unlawful for any one to make or sell spirituous liquors in the State. It is to be remarked that the Southern States led the way in this great social reform.

With the new century automobiles had appeared, and by 1907 they were in such use that the Assembly passed an act to regulate their management on the public roads; and this progressive development was despite the money stringency that began in 1907 and was so severe that some banks illegally issued their certificates and notes that passed as currency, which, being in violation of the law, the Legislature excused by a special act.

Notwithstanding this obstacle, these new conveniences were so desirable that every day their number increased not merely for the use of business men in the towns, but among the people in the country with the very beneficial result of broadening country life and bringing about many social advantages. Time and distance were eliminated.

1908

Acts Special Session  
1908, ch. 44  
Ibid., ch. 71

Prohibition

Acts Special Session  
1908, ch. 52

Automobiles

Acts Special Session  
1908, ch. 121



So urgent as the demand had ever been for good roads, now the introduction of the automobile redoubled the need. At Washington Senator Simmons, ever devoted to the interests of the country inhabitants and farming class, had successfully pressed the desirability of action on the part of the general government, and the subject was uppermost in the public mind. Automobiles, better roads, social betterment became interdependent.

The period of Glenn's administration is notable not only for the continued advances in broadening the functions of the State government, and in going forward on the line that distinguishes Aycock's above all others and for reduction in railroad charges, but as witnessing the establishment of prohibition and social changes and the utilization of electricity.

## CHAPTER LXXIV

### KITCHIN AND CRAIG ADMINISTRATIONS

Kitchin urges education in agriculture.—Freight rates.—Joyner's report.—Death of Judge Purnell.—Henry G. Connor succeeds him.—The Economic Survey.—Electrical development.—Counties of Lee, Hoke and Avery.—Death of Aycock.—School statistics.—Manufacturing and automobiles.—The Senators.—Simmons's useful service.—Kitchin opposes him unsuccessfully.—Locke Craig Governor.—George W. Connor, Judge.—Craig for progress.—Heavier appropriations.—Agriculture.—The colleges.—Railroad discriminations.—The special session.—Settlement.—Constitutional amendments.—Emergency judges.—Senators elected by the people.—Capt. E. A. Anderson.—Norfolk and Southern Railroad.—Highway Commission.—The great storm.—Mount Mitchell Park.—The National Guard goes to El Paso.—Manufactures.—Progress.—Wilson President.—North Carolinians at Washington.

#### Kitchin Governor

In 1878 W. H. Kitchin of Halifax had been elected to Congress; in 1896, his son, W. W. Kitchin, began to represent the Person County district; and in 1902, another son, Claude Kitchin, entered on a congressional career of renown and usefulness, the brothers sitting together until 1909, when W. W. Kitchin, an orator of unusual force and power, became Governor of the State.

At the election of 1908 W. W. Kitchin and William C. Newland of Caldwell County were the Democratic nominees and received an increased vote of 17,000; J. E. Cox of High Point, a successful manufacturer and highly esteemed, was the Republican candidate, and received an increased vote of 28,000.

When the Assembly met Judge A. W. Graham was elected Speaker of the House.

In his inaugural, Governor Kitchin, realizing the progress that had been made despite a period of depression, declared his purpose to promote the great policies that had been continued or inaugurated during the preceding eight years,



and to undertake new policies as well. He urged that primaries should be legalized, and that publicity be given to campaign funds. In particular, he stressed the importance of agricultural education, a comprehensive knowledge of all agricultural matters; also studies in hygiene; and the necessity of considering the sanitary condition of the factories, and as to child labor, enforcing the law that prohibits children under thirteen years of age from working in factories.

The Governor thought "we are but on the threshold of the good roads movement, and that the next generation will witness wonderful progress." He recommended a State Highway Commission. While aware of the great advantages and benefits that come with railroads, he mentioned that the freight on a carload of corn from Cincinnati to Greensboro is much more than if it should go on to Lynchburg; and a carload of molasses from New Orleans to Lynchburg pays less freight than if it stops at Charlotte; and he proposed continued action until such discriminations were corrected.

Railroad  
discrim-  
ination

When Kitchin became Governor progress in education had been in full blast, and now Dr. Joyner was able to report that in the last two years more than a million dollars had been added to the public school property, and 779 new rural schoolhouses had been built and five hundred new rural school libraries added, bringing up the number to over two thousand; and there had been distinctive progress made in all directions. Joyner was urgent for continued improvement.

The in-  
creased  
schools

In December, 1908, Thomas R. Purnell, Judge of the United States District Court, died, and three days later Judge Pritchard of the Circuit Court designated Judge Boyd of the Western District to hold the courts in the Eastern District and to discharge all the duties of the judge of that district; and Judge Boyd continued to do so until June 1, 1909, when Judge Henry G. Connor qualified. Judge Connor, then a justice of the State Supreme Court, had been appointed by President Taft on May 25, 1909, and was confirmed by the Senate. Although not of the same

Judge  
Henry G.  
Connor

political party as the President, he was selected for this office by reason of his fine reputation as a jurist, and in conformity with President Taft's view that under the conditions at the South it was preferable to have on the Federal bench judges who were in close touch with the business men of the district. And it proved a most fortunate appointment, for Judge Connor, having the good-will, confidence and admiration of all classes in the district, brought the administration of justice in the Federal Court more in touch with the people than it had ever been. 1909

Among the other acts of interest was one providing for establishing the Mattamuskeet Drainage District, with a view to draining the lake and surrounding country, adding to the arable land and benefiting the health of the section. While the first purpose has not been entirely accomplished, the system of drainage which has been in use in the eastern part of the State has proved a remarkable success, establishing healthful conditions with great benefit and advantage. Drain-  
age

By another act of 1909, April 12th was declared a legal holiday, as Halifax Day, the anniversary of the notable action of the State Congress in April, 1776, authorizing the delegates of the State to the Continental Congress to concur in declaring independence and entering into foreign alliances, which could only be done by an independent state. This action of the North Carolina Congress was the first utterance for independence made by any of the colonies in rebellion. On May 27th Joseph Hewes presented these resolutions to the Continental Congress, and then the Virginia resolutions were presented. North Carolina moved the waters. And now the Assembly made the anniversary a legal holiday. Halifax  
Day

In 1905 Dr. Joseph Hyde Pratt became Director of the Geological and Economic Survey. "A man with many of Holmes's qualities of versatility and energy, he carried on what had been left him with persistent zeal: forestry work; good roads, until his program resulted in the Highway Commission, the Fisheries Commission, and the utilization of the State's water-powers."\* The Eco-  
nomic  
Survey

\*Natural Resources, Vol. II, No. 2, p. 3



Electricity

Increased  
manu-  
facturing

Already the transmission of electricity for manufacturing purposes had become a particular subject of consideration by the Survey. However, no great advance was made in the utilization of electricity in this State until about 1912. Although in South Carolina a notable development had been begun in 1907, up to 1912 no other of the Southern States had installed as much as one-third as much as South Carolina. Then Alabama, Tennessee and North Carolina followed that example. And now much progress was made, and presently North Carolina outdistanced all of her neighboring sisters. Such was the beginning of the extraordinary development of manufacturing in the State.

New  
counties

The county of Lee was established in 1907 and was so called in honor of the great Robert E. Lee; and now on February 11, 1911, another county was laid off and named for Robert F. Hoke, in manifestation of North Carolina's pride in his course during the War Between the States and of her admiration for her distinguished son, who stood in her estimation next to General Lee himself. General Hoke was then living, but he died on July 3, 1912.

Likewise the county of Avery was formed in the mountains to perpetuate the fame of the patriot Col. Waightstill Avery of the Revolutionary period. At this session, likewise, steps were taken to provide a State administration building, the Governor being authorized to appoint a commission to have such an edifice constructed. Ashley Horne became president of the commission, and the building which the Supreme Court occupies along with the State Library, the Historical Commission, the Hall of History, and other commissions, was constructed at a cost of \$188,000.

### Aycock's death

1912

After Aycock's term of office as Governor expired he continued his exertions for general education, and indeed earned such an enviable reputation that he was called to other states to press the subject of education. In April, 1912, he was making an address to the Teachers' Assembly in Montgomery, Ala., when suddenly, while speaking, his heart failed

and he passed away. The dedication of his fine powers to that cause and his efforts to uplift humanity gained for him the affections of the people and it was his fortune "to garner in a harvest of hearts." His monument in Capitol Square at Raleigh bears, among other inscriptions, the statement of his creed: "The equal right of every child born on earth to have the opportunity to burgeon out all there is within him."

Few men have died in the State so universally regretted. However, his labor had not been in vain. His life left a deep impress; and he had witnessed the incoming tide of a great movement for public education.

### The State's progress

For the year ending June, 1912, the total school fund was \$4,488,752, of which \$2,498,245 was derived from State and county taxation and State appropriation; while the residue, \$1,179,766, was from local special taxes. There was spent on school property \$1,517,647. The number of schoolhouses had now risen to 7,777. During those two years there had been an increase in school enrollment of 13,113 whites and a decrease of 8,010 colored pupils, while the school census showed an increase of 18,212 whites and 9,227 colored. Although the census of 1910 showed 12.3 per cent of white illiterates, and 31 per cent of colored, that, said Dr. Joyner, was a reduction of 7 per cent for the whites and 15 for the colored in ten years. There was hope that eventually illiteracy would disappear.

In manufacturing and other industries there was a similar development. The number of corporations organized annually had in the decade risen from 306 to 1,058, and this multiplication indicated a busy hive of workers throughout the State. Indeed, manufacturing was highly remunerative. Automobiles had been recently introduced. Prior to 1910 only 2,018 had taken out licenses, the next year 1,680 did so, and then in 1912, 2,402 registered. The growing use of automobiles and needs of transportation led the Assembly to transfer the supervision of the highways to

1912

The  
school  
situation

Progress



1912

the Geological Department. It was the beginning of a most important development.

Kitchin  
opposes  
Simmons

On the expiration of the first terms of Senators Simmons and Overman, they had each been reëlected without any opposition among the Democrats; but in 1912, when Simmons's term was expiring and Kitchin's service as Governor was to end, the latter looked to senatorial honors and proposed to contest the seat with Senator Simmons. Both of the Senators had done well; Overman being on the Judiciary Committee and Simmons on the Finance Committee and the Committee on Commerce. By habit, painstaking and thorough as to details, scrupulously exact in all his dealings, Mr. Simmons had attained a high position in the regard of the Senate. During his first term he altered the attitude of his Democratic colleagues in the Panama Canal matter and the treaty with Cuba, obtaining favorable action on both. By his advocacy of measures affecting life on the farm, he had rendered a distinct service to agriculture and the country.

As urgent as the demand had ever been for good roads, now the introduction of the automobile redoubled the need. At Washington, Senator Simmons successfully pressed the desirability of action on the part of the general government, and the subject was now uppermost in the public mind. He urged it in connection with the rural carrier system; and he advocated enlarging the operations of the Department of Agriculture; so also, he had been a persistent advocate of water transportation and improvement of the harbors and water-courses of the State, and on the Finance Committee he had rendered great public service. He had, however, proposed an import duty on lumber, and he had advocated a measure fostering a merchant marine. But now the nomination was to be by a popular vote and both Governor Kitchin and Judge Clark became candidates. Governor Kitchin made a bitter and violent campaign against the Senator, in which William J. Bryan likewise took part. Mr. Simmons merely declared that he stood on his record, and at the Democratic primary Mr. Simmons

received 84,687 votes; Governor Kitchin 47,610, and Judge Walter Clark, 16,416. The vote was one of confidence in the Senator and satisfaction with his record.

Locke Craig, while not so strong in oratory perhaps as either of his three predecessors, was still so gifted as to be a "silver-tongued" orator. Born in Bertie County and resident in the mountains, much esteemed for his courteous bearing and virtues, he was now nominated by the Democrats for Governor. His contestants were Thomas Settle (Republican), son of Judge Settle, inheriting many of his father's fine characteristics, and Iredell Meares, who ran as a Progressive, a scion of the distinguished Meares family of the Cape Fear. Craig received a hundred thousand more than either—149,970 as against 43,625 for Settle, and 49,920 for Meares. Elijah L. Daughtridge of Edgecombe became the Lieutenant-Governor. On the meeting of the Assembly, George Whitfield Connor of Wilson became Speaker of the House, and, on Connor being transferred to the judiciary, Walter Murphy of Rowan, succeeded him. The Assembly now reëlected Mr. Simmons to the Senate, he being the last Senator to be elected by the Legislature. In closing his administration, Governor Kitchin with pride spoke of the unexampled prosperity that had blessed the State, and he urged the need of increased revenue and improved administration. Among the measures he recommended was that all water-power plants serving the public should be

Craig  
nominated

The  
election

Kitchin's  
close

1913

Governor Craig was inaugurated January 15. He began his inaugural address with: "Democracy gives to the people the pledge of progress"—and throughout his address he advocated particular measures that would redound to the advantage of the people and State. "A new era has dawned . . . there must be legislation responsive to the impulse of the age. . . . The discrimination of the railroads must cease. The development of the water-powers is now beginning to assume splendid proportions. It is potential with magnificent upbuilding. . . . The highest duty of society is to educate the children. The State

Craig's  
message

His meas-  
ures



must exercise her sovereign authority and compel the attendance of her children upon the schools. . . . We must especially stimulate the growth of agriculture." Particularly he urged good roads. "We cannot have the benefits of modern civilization otherwise." He urged the immediate reassessment of property, the adoption of a primary law, and other practical changes. And it was now that conditions were favorable for progress.

Special  
local  
taxes

The  
Agricul-  
tural De-  
partment

As there had been aroused a real interest in the public schools, manifested in a practical way by increased local taxation, not only did the Legislature make heavier appropriations for the maintenance and improvement of the University, the A. and M. College and every other State institution of public instruction, but the spirit of the people at home responded by levying special taxes for their local schools. Fortunately they were now able to do so. Not only had their property increased in value, but their industries were yielding better returns and wealth was accumulating, while many benefits had resulted from the activities of the Department of Agriculture. Commissioner Graham, in his report, says: "In 1910 there were held in 84 counties 369 institutes attended by 53,627 persons, and North Carolina was the first Southern State to inaugurate women's institutes." The effect of these meetings was incalculable. With respect to soil improvement and better agriculture through farm demonstrations and institutes, the Commissioner adds: that the census of 1900 gives the proportion of citizens engaged in agriculture as 81 per cent—four out of five of our people—and by 1910 the production of the farms had increased twenty-five per cent over the average of the previous five years. As to the corn crop alone the increase had been sixteen million bushels; so likewise had the result been equally manifested in other crops.

The  
schools

The denominational colleges and other seminaries of learning had greatly prospered, while the State institutions were flourishing. The Normal School which, on the death of McIver in 1906 had passed under the management of Dr. Julius I. Foust, now had about one thousand students

and was admirably performing its mission of elevating the social interests of the State. The A. and M. College, after eight years under the progressive management of Dr. George T. Winston, had been successfully conducted by Dr. D. H. Hill and had about seven hundred students, while the University, of which Dr. Francis P. Venable had been the President for fourteen years, now had about one thousand students.

In 1914 it fell to Governor Craig's lot to install Edward Kidder Graham as President of the University; and in sympathy with the general movement for higher education, under the fostering care of President Graham, who achieved a remarkable reputation for efficiency, the University entered on a still greater career of usefulness. It is to be noted that all of these presidents, except alone Dr. Venable, who had long been a valued professor at the University, were natives and were educated within the State, and that Dr. Alderman left the State only to ascend higher and higher on the ladder of fame, taking rank with the first educators of America.

President  
Graham

The Normal School at Greensboro was now supplying many competent teachers, and the chief obstacle to good schools that had for a century been a drawback no longer existed, while the attendance at the University and the seventeen colleges had risen to 5,366. However, attendance in the public schools was not satisfactory. In 1910, out of the white school population of 416,251, the average attendance was only 277,109, and of the 238,091 colored children the average attendance was 95,463; and there had been no considerable improvement.

Such was the general condition when Governor Craig, following in the footsteps of his predecessors, again supplemented the efforts of Dr. Joyner, who urged consolidation of the school districts, longer terms and compulsory attendance. The Legislature now responded. It reaffirmed that the counties should provide by taxation for the four months required by the Constitution, and itself made provision for an additional two months term; and it likewise

Progress



Acts of  
1913, chs.  
22, 173

provided for additional rural school libraries. The foundations of better education having been laid, every child between eight and twelve years of age was required to attend school at least four months in the year.

### **Railroad discriminations**

The conference

Discriminations made by the railroads to the disadvantage of the State, however, continued, and Governor Craig urged the Assembly to exercise every constitutional power to compel justice. The Legislature at once responded and appropriated \$5,000 a year for the Governor to take appropriate action and authorized him to appoint a commission to carry out the purpose of the Assembly. The Governor with great sagacity appointed on this commission E. J. Justice of Greensboro, doubtless the most fit in the State for this service, W. B. Council of Catawba and N. B. Broughton of Wake. The presidents of nine railroad companies were invited to a conference with this commission and the Corporation Commission, that had already instituted proceedings before the Interstate Commerce Commission concerning these unjustifiable rates. On August 5, the Commerce Commission submitted to the Governor a report of the proposed revision of rates, and again on September 19. In the latter they said that such substantial reduction in rates from the west now offered by the railroads amounted to a compliance in good faith with the original agreement. "They will save to the shippers about \$2,000,000 a year."

The special session

The Governor now called a special session of the Legislature, which met in September, 1913, and that body passed an act on the subject, fixing rates, but providing for a commission to hear objections if any should be deemed confiscatory, with power to the Governor to suspend the operation of the act. Thereupon the Governor appointed M. H. Justice, A. A. Thompson and W. L. Poteat as this commission. From time to time this act was suspended until finally, on October 4, 1914, the railroads accepted the rates, but under protest that they were not remunerative. Then came on the war in Europe, and in January, 1916, the

The agreement

Interstate Commerce Commission ordered the roads to revise their rates and increase them.

### **Constitutional amendments**

In 1913 the Legislature raised a commission to consider proposed amendments to the Constitution, and to report its recommendations to a special session. On September 24, 1913, the Legislature met in special session to consider the recommendation. Ten proposed amendments were then submitted to the popular vote. One was to prevent delays in trials by providing emergency judges; another was to reform the Constitution in the matter of revenue and taxation; another to require a school term of six months. These were the most important. The total vote cast was less than 119,000, the vote being taken on each amendment separately. The highest vote cast in favor of any amendment was 57,816 and the lowest in the negative was 60,220. The amendment requiring a six-month term received 59,519, the negative vote being 61,317. The current of opinion was against meddling with the Constitution, and all the proposed amendments were defeated.

When the Legislature met following the defeat of the proposed ten amendments to the Constitution, it again submitted that one providing for emergency judges and the three that restricted the power of the Assembly as to special legislation, and these now received about the same vote as before. Between 55,763 and 57,465; while the opposition to them had virtually disappeared, the highest negative vote being only 22,681. And the Constitution was thus amended in these respects.

### **Senators elected by the people**

In 1913 the Federal Constitution was amended by requiring United States Senators to be chosen by the popular vote of the State. Mr. Overman's career in the Senate had been notable for the great breadth of his service and for his industry and efficiency. Although attentive to every



Overman  
elected

1914

duty in regard to legislation, he had likewise been particularly attentive to the wishes and desires of his constituents; so that when a choice was to be made of a senator in 1914 naturally he was selected as the Democratic nominee to succeed himself. His opponent was A. A. Whitener of Catawba County. At the election, Overman received 121,342 votes and Whitener 87,101. Overman was the first United States Senator chosen by the popular vote of the State.

#### **Capt. E. A. Anderson**

The Wilmington Naval officer, Edwin A. Anderson, who had won honors in 1898, and also had displayed signal courage in 1907 when Kingston, Jamaica, was destroyed by a great earthquake, and in 1911 for courageous action in rescuing the survivors of a wreck had been presented a silver service by the citizens and government of Panama, was in 1914 awarded the congressional medal of honor for "extraordinary heroism in battle" during the engagement at Vera Cruz, where he commanded a seaman's regiment at the capture of that city. On that occasion Lieut. George B. Ashe was likewise on duty at Vera Cruz and was warm in extolling Anderson's fine action.

#### **The Norfolk Southern Railroad**

The proposed railroad system of the State had originally been east and west lines, but that had become virtually obsolete when the Seaboard Air Line and the Richmond and Danville opened up travel and traffic to Norfolk and Richmond.

In 1881 a line was opened from Edenton to Berkeley, Virginia, that became the Norfolk Southern which later acquired several other connecting roads; and in 1906 consolidated with all the local roads through the northeastern quarter of the State. It then pushed on and secured all the minor roads toward the South until in 1913 its line with many lateral branches extended from Norfolk to Washington, Morehead City, New Bern, Goldsboro, Raleigh, Durham, Fayetteville, Troy and so on to Charlotte. This

development connecting all the eastern part of the State outside of the Cape Fear Region with Norfolk, was the reverse of the Caldwell idea.

1915

At the second session of the Assembly Governor Craig had the satisfaction of seeing the Legislature take a step forward in the important matter of highways. In March, 1915, the act was passed to create a Highway Commission. As finally arranged this commission consisted of the Governor, the State Geologist, a professor of the University, one A. and M. College professor, and three others. Such was the beginning of the Highway Commission whose services have since been so valuable to the State.

Highway  
Commis-  
sion

On June 17, 1915, Governor Jarvis died. He had for fifty years been an active factor in the life of the State, and he was ever as true in his public service as the needle to the pole. Among his last notable works was promoting the establishment of the Eastern Training School at Greenville.

Death of  
Jarvis

In July, 1916, there occurred the greatest storm and flood known to the western section of the State. The valleys of the Yadkin, Catawba, French Broad, Swannanoa and other streams were inundated. From Wilkes to Rutherford the floods swept away not only the homes of the people and the young crops, but the very soil of hundreds of farms. It was the most disastrous event in the history of that region. The losses were beyond computation. Governor Craig had relief committees to organize in every county and Congress appropriated \$540,000 for the relief of the sufferers. The people in every part of the State responded with alacrity, but it was months before most of the distress was relieved and the damage reasonably repaired, so great and extensive was the devastation. In this work of relief the whole State was interested.

The great  
storm

Then another subject of a different character appealed to the public, the preservation of the wild grandeur of Mount Mitchell for posterity. The State purchased twelve hundred acres of the mountain top for a park.

Mount  
Mitchell



### The National Guard

1916

In the meantime trouble having arisen on the Mexican border, on June 19, 1916, in pursuance of instructions, the First Brigade of the North Carolina National Guard was assembled at Camp Glenn where Gen. Laurence B. Young was in command. The brigade consisted of the First Regiment of Infantry, commanded by Col. James T. Gardner; the Second, commanded by Col. Wiley C. Rodman, who, however, after six months resigned and was succeeded by Col. John V. B. Metts; the Third, under Col. Sidney W. Minor. Two companies of cavalry—A, under Capt. Warren A. Fair, and B, under Capt. Frederick Rutledge—and two companies of engineers—A, under Capt. George W. Gillette, and B, Capt. Charles E. Boesch. After being trained, in September, 1916, the brigade was ordered to El Paso, Texas, where they made “a splendid record” for efficiency, remaining there for more than a year.

The  
growth  
of in-  
dustriesImproved  
conditionsCraig's  
Letters and  
Papers

Fortunate, indeed, was the period of Craig's incumbency. While the great war in Europe began in August, 1914, and brought with it many changes, some being of direct consequence, and others incidental, yet the substantial progress of the State was quite independent of such causes and mostly developed in natural course. Agriculture had become so prosperous that, while still Governor, Craig could say: “The State produces 65,000,000 bushels of corn, 10,000,000 bushels of wheat, 12,000,000 bushels of potatoes, 197,000,000 pounds of tobacco, 650,000 tons of hay and 650,000 bales of cotton, worth more than a hundred dollars a bale, while all the crops have a value of \$200,000,000. And in manufacturing the development has made equal progress. In 1900 our cotton mills were capitalized at \$22,0000,000; now our three hundred and eighteen mills have a capital of \$58,000,000 and their yearly output is \$90,000,000. They give employment to 57,000 people, whose wages are \$17,000,000.” Power from electricity was now common. “From one end of the State to the other are stretched electric cables through which streams of the harnessed powers of the French Broad, the Catawba, the Yadkin, the Pee Dee, the Cape Fear and the Roanoke de-

liver exhaustless energy to the centers of industry. . . . During the last five years we have built ten thousand miles of improved highways, costing more than fifteen million dollars." He pictured a grand review of North Carolina workers, "3,000 corn club boys in the van, 250,000 cornfield men, 60,000 textile workers, 50,000 men in overalls whose levers turn the driving wheels of mills and locomotives." In 1899 there were ninety-five banks, State and National, with \$14,836,000 on deposit; in 1916 there were 426 State banks and 81 National banks with \$107,424,000 on deposit. And now annually the number of new corporations formed ran over a thousand, while automobiles were increasing still more rapidly, and the State revenues for the fiscal year ending November 30, 1916, were \$4,970,878, the disbursements being \$4,879,965. Such great increments betokened gratifying conditions that could not have been expected. "And North Carolina's moral and intellectual growth," the Governor proudly declared, "has kept pace with her material growth, while with compulsory attendance, and better schoolhouses and teachers, education was now to be within reach of every child of the State."

Progress

### Wilson President

Contemporaneously with the election of Craig the country went Democratic and Woodrow Wilson, for some years a Wilmington youth and student at Davidson, became President. Already had Senators Simmons and Overman in the Senate and Claude Kitchin, John H. Small, Edward W. Pou and Edwin T. Webb in the House won distinction, while Robert N. Page, Charles M. Stedman, Robert L. Doughton, were also representatives of influence, as were likewise John M. Faison and James M. Gudger. The State never had better representation. Her influence was felt in each branch of the national administration as never before. When Wilson was inaugurated he selected Josephus Daniels to be the Secretary of the Navy, David F. Houston, born at Monroe, Secretary of Agriculture, and P. P. Claxton, long connected with North Carolina, Commissioner of Edu-

North Carolinians at Washington



cation. Samuel L. Rogers was made Superintendent of the Census. Then Walter H. Page, a native of Wake, with an interesting connection in the State but himself a resident of New York, became Ambassador to England, and indeed many other North Carolinians, first and last, were assigned to positions of importance. In the House Claude Kitchen became the leader of the Democrats and in the Senate Simmons and Overman became of national consequence; Senator Simmons being especially useful in carrying into effect the policies of the administration and as chairman of the Finance Committee, and likewise largely directing the Committee of Commerce.

#### **Industrial progress**

Among those who particularly contributed to the prosperity of the State at this period were D. A. Tompkins of Charlotte, whose activities in expanding the cotton manufacturing, and Hugh MacRae of Wilmington, whose introduction of immigrants and extended activities have had marked influence and benefit in their respective spheres of operations.

## CHAPTER LXXV

### GOVERNOR BICKETT

Bickett Governor.—His proposed program for betterment.—New conditions.—The school term lengthened.—Permanent improvement.—New measures.—Equalization of values.—War abroad.—The people in sympathy with France and England.—The delegation in Congress.—Germany gives notice.—Congress declares war.—Sprunt's *City of Wilmington*.—The draft.—Action in the State.—The great efforts of the Union.—The activities.—The mine field.—The State troops.—The 119th Regiment, 120th Regiment.—The Tar Heel Brigade.—They sail.—Their operations.—The field officers.—The engineers.—The 113th Artillery.—The 81st Division.—The Wild Cat Division.—The Engineers.—The Naval Service.—Admiral Anderson, Captain Cotton, Captain Foote, and others.—The Naval Reserve.—The Delegation.—Joyner succeeded by Brooks.—Conditions in 1919.—Child Labor Law.—The State Budget Commission.—Negroes go north.—The Ku Klux.—The industries.—Morrison nominated for Governor.—Woman's suffrage.—The Democratic convention endorses it.—At the extra session rejected.—Becomes the law.—Harding President.—Increased valuation.—Court procedure.—The vote.—Revaluation.—The new system of taxation.—Morrison elected.

#### **Bickett's progressive administration**

At the Democratic Convention in 1907, Thomas W. 1917 Bickett of Franklin County, then not well known, made an address presenting Ashley Horne for Governor. It was a revelation, and it so captivated every one that it broke the slate proposed by those in control of the convention. Bickett was unexpectedly selected as the candidate for Attorney-General and he served in that office so acceptably that at the first state-wide primary in 1916, he was nominated for Governor, his vote being 63,000 while Lieutenant-Governor Daughtridg's was 37,000; and at the election Bickett received 167,761 and Frank A. Linney, Republican, 120,157.

When the Assembly met in January, 1917, O. Max Gardner, the Lieutenant-Governor, presided over the Senate and Walter Murphy became Speaker of the House. Intimately acquainted with State affairs and blessed with a warm heart, Governor Bickett's inaugural was masterful. "I want labor

Bickett's  
dream



1917

New  
conditions

and capital, learning and art and the life and the letter of the law to be devoted to making every acre and every stream, every human and every mechanical unit in the Commonwealth be and do its level best; such are my hopes and high resolves." He then outlined the measures to be taken and added: "I have endeavored to visualize my dream of a fairer and finer State." The Assemblymen in full sympathies responded with alacrity. Out of forty-eight measures Bickett recommended, forty were enacted. The Legislature largely increased the State's activities and broadened its work. Every year there had been a new need and new requirement and the functions of government had been extended. No longer was the purpose merely to suppress lawlessness and secure the individual rights of the citizen. The State's control began to include every subject that promised a benefit or advantage to society. Advanced thought was much on the line of the movement for "prohibition"—to benefit humanity by improving the individual; and now there were many boards to supervise and regulate affairs that had previously been of mere family concern. The European War had been in progress two years and our industries had been remunerative; population had thickened and material and social progress had made their impress. The movement for higher education had brought results. There were 1,100 students at the University; 800 at the A. & M. College; the total number enrolled at the Normal College was 1,700 of whom 600 attended the summer session; the East Carolina Teachers College excelled all expectations, and at the Appalachian Training School were 691; and the high schools were flourishing. The mass of the people were being educated.

#### **New functions of government**

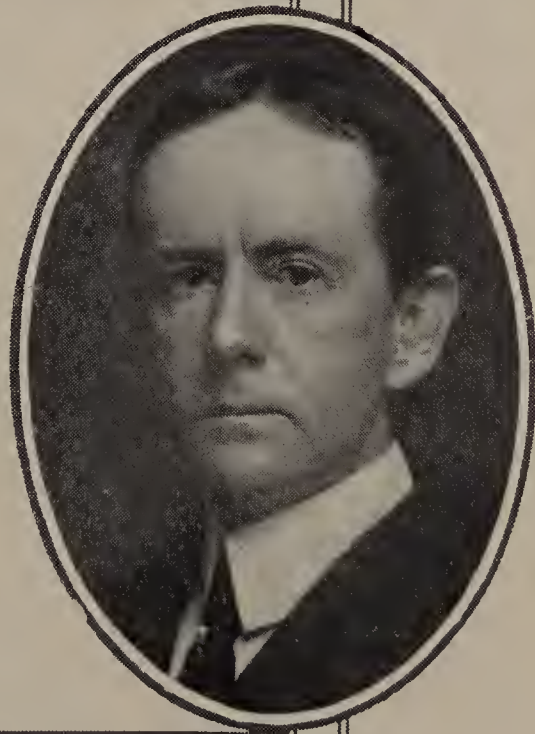
The assessed value of real estate was \$423,968,073 and of personal property \$211,881,103. The general State taxes were \$2,088,103 and the license taxes \$2,952,795, a total of five millions. The school taxes were \$3,555,888, to which the State added \$802,000. Such were the conditions that all now realized that the facilities of the past were not equal



1



2



3

2. Julian S. Carr

1. Governor and Mrs. Thomas W. Bickett

3. Hugh MacRae





to the requirements of the day. Governor Bickett said to the Assembly: "We have reached a crucial hour in the civic life of our people; my counsel is that we go forward." The State institutions had to be enlarged. He urged the acceptance of the plan of the joint committees of appropriation for a program of issuing to the institutions \$500,000 in bonds for each year for six years, but he annexed a proviso: "To teach good farming in every country school; to provide for the physical examination of children; to make the schoolhouse the social center; to encourage the installation of running water, lights and telephones in every home; to increase the traveling libraries and to have better schools." The Legislature responded favorably. Old things gave place to the new requirements. The preparation had been natural and gradual and now the step was taken. The Legislature proposed an amendment to the Constitution requiring a six-months term of school, which the people ratified; and as illiteracy persisted, it increased the age of compulsory attendance to fourteen years, and while appropriating \$25,000 annually for schools of adult illiterates, duplicated the amount any county should use in teaching younger illiterates. Also, it provided for teaching in the public schools agriculture, manual training and home economics. It increased the appropriations for high schools and created an Educational Commission to study and report on the entire system of education. With wise recognition of conditions the Assembly made reasonable provision for the expansion of the several State institutions, appropriating three millions of dollars for their permanent improvement and equipment. Five hundred thousand dollars was to be expended each year for six years, the amount for each institution being designated, and the Treasurer being authorized to sell bonds for the purpose; and a State Building Commission was created.

1917

New  
purposes

Expansion

And for the social advantage of the people, the State Board of Charities and Public Welfare was created to act along with the county boards. For the betterment of home life, the Highway Commission was directed to assist in the utilization of water-powers for rural communities and



1917

private homes, and county road commissions were provided for, with power to issue bonds.

Equalization  
of values

The irregularity of the assessed valuation of property in the counties throughout the State had ever been notable. The Legislature now required the county commissioners to equalize values of assessed property and make their report to the State Tax Commission; it directed the publication in the *Blue Book* of the name of every employee of the State and his compensation; it provided for a revision of the statutes and authorized the Governor and a tax commission to be appointed by him to make an exhaustive study of the whole tax subject and report recommendations.

After a laborious session during which about 300 acts were passed, many containing novel features of importance, the Assembly adjourned on March 7. But a month had not passed after the Assembly adjourned when Congress in special session declared war against Germany and State affairs were overshadowed by the greater interests of determined warfare. Into that struggle Governor Bickett put his whole heart and North Carolina zealously performed every duty.

### The World War

Unexpectedly in August, 1914, war had broken out in Europe between Germany and Austria on one side and France, England, Russia and Italy on the other side.

The sympathies of our people were with the French and English. Quickly two North Carolina boys, Paul and Kiffin Rockwell of Asheville entered as privates in the Foreign Legion of France. Kiffin Rockwell won honors and leadership in aviation, but in his 142d air battle, fell in Alsace. Later three other North Carolinians, James McConnell of Carthage, Arthur Blumenthal of Wilmington and James Baughan of Washington also won honors and gave their lives in the same service. Others also early hastened to the battle, Kenan, Hancock, Bridgers among them. The general spirit in this State was indicated by these first volunteers. All Europe was involved. The war was at sea as well as on land. Commerce was of especial interest to

Statement  
R. B. House

England and as our great commerce was in danger of being interfered with steps were taken to prepare for eventualities. In the work of this preparation Senator Simmons, Chairman of the Finance Committee, and Representative Kitchin, the Democratic leader in the House, were especially prominent and useful in Congress, and Secretary Daniels in the Cabinet; but all North Carolinians with few exceptions heartily supported the administration. At length the President's apprehensions were suddenly realized. On May 7, 1915, Germany sunk the *Lusitania* on the high seas, sending 114 American citizens and more than a thousand others, men, women and children to watery graves. However, we were reluctant to go to war, and on Germany's promise not to disregard our rights, the United States did not declare war. For a time our rights as neutrals were respected. Our commerce was very profitable, all Europe paying well for our products, so when the Presidential election came off in November, 1916, the the entire country being very prosperous, President Wilson was reëlected, and the Democrats again held Congress.

The  
Lusitania

### Germany precipitates war

For more than two years the terrible warfare was waged without result, and then Germany prepared to carry out a program secretly determined on. It was intended by means of U-boats to sweep all commerce from the seas, cutting off all supplies from England and reducing the people to starvation. While such an interference with our commerce, as neutrals, would necessarily involve the United States in the war, Germany was of the opinion that we could make no material resistance before the allies would be forced to surrender. In the problem the United States was regarded as a negligible quantity.

### Preparations

Every preparation was made by Germany for the U-boat warfare to begin on February 1, 1917, the expectation being that England would be starved out in five months, and



the Allies be forced to surrender by August. All being in readiness, information of Germany's purpose to break her pledge was conveyed to the President late on the afternoon of January 31, and the U-boat warfare was begun the next morning. Necessarily it meant war. The President at once convened Congress in special session. Already reasonable preparation had been made by both the War and Navy Departments, and the activities of Mr. Daniels now became of the first consequence not only to this country, but to all the world not associated with Germany. The first step was to arm our merchantmen to resist attack. On March 12, the President directed Mr. Daniels to furnish guns and naval gunmen to American ships. In two days the *Manchuria* and two other steamers were so equipped, the *Manchuria* sailing on March 15, and every day thereafter a constant succession of merchantmen so equipped sailed from our ports.

Later, Alexander Sprunt & Sons applied for the equipment with cannon and gunners of their steamship, the *City of Wilmington*, about to sail for an allied port abroad, and that vessel was at once so furnished by the orders of Mr. Daniels, the Secretary of the Navy. The *City of Wilmington* sailed in due course ready to fight for her life.

### War declared

April  
1917

Selective  
draft

Some days necessarily elapsed before the final step, and then on April 2, 1917, the President called Congress together in special session and four days later war was declared. In May Congress passed a draft act to provide an army by means of a selective service. It was to be a war of the American people, involving every community and family of the entire Union. Every man liable to duty was to be enrolled and every household was to have its share in the opportunity to render glorious service for our country. There was to be no discrimination between the sons of those who defended under Lee and Jackson and of those who made war under Sherman and Sheridan and Grant. Governor Bickett being charged with the general supervision of the draft in the State, on May 26, 1917, in words

of burning patriotism proclaimed to the people that on June 5 all men between 21 and 31 must register; but only about one out of twelve of them was expected to be selected by lot for the service. Registration boards were appointed for every county and for the three towns numbering over 30,000 inhabitants. Four thousand men served as registrars of whom only seven asked for compensation. The entire cost of registration was only fifty dollars, and it turned out North Carolina registered more men than the Government estimated it would according to population. In addition to those drawn by lot for army service, the National Guard was recruited to its full strength; three regiments and other battalions, all together 5,000 men; and then all others between 21 and 45 in the counties were to constitute the Home Guard. The total registrations in the State were first and last, 480,901, of whom 142,505 were colored; and North Carolina furnished to the army 76,705 men and 272 officers.

1917

Registration

The necessities now were men, money, food, fuel and individual coöperative work. At Washington wisdom prevailed, and in North Carolina as in nearly every other state, there was entire patriotic coöperation. There were boards to draft men, committees to raise money to provide food and fuel, and local councils of defense, and the Red Cross, the Y. M. C. A., and other numerous welfare organizations that worked in every hamlet. The entire people of the whole State enlisted in the works of patriotism.

### State activities

Joseph G. Brown and F. H. Fries directed the campaign for money. Henry A. Page headed the food administration; A. W. McAllister and R. C. Norfleet the fuel supply, and D. H. Hill the council of defense. Each of these organizations employed several thousand men and women while in every county those who administered the draft and others in every walk in life rendered invaluable service without compensation. The entire population was a unit in service and no call was made in vain on North Carolina. We contributed \$160,000,000, gave \$3,-

Statement  
R. B. House



000,000 to charity, enrolled 250,000 members in the Red Cross, and manufactured 2,500,000 articles for the soldiers. Large camps were established at Charlotte, Raleigh and Fayetteville and others at Wilmington, Southport and Morehead, and at Wilmington the government operated the Carolina ship yards as a definite war industry. Thousands of troop trains passed through the State and at every town where the trains stopped the troops were served: while at Asheville, Waynesville and Hendersonville and other points in the mountains, hospitals were established, served by the people in the vicinity.

The Kaiser had been informed that before the United States could give any trouble the Allies would be conquered. We had neither army nor adequate transportation. Now not only was an army to be equipped and materials provided, but vessels were to be obtained to transport the men and munitions abroad. Had the measure to create a merchant marine advocated by Senator Simmons in 1908 been then adopted, conditions would have been different: but as it was the Government lacked transports, and the U-boats infested the seas. But the people were equal to the emergency.

Our prodigious efforts resulted in having a trained army ready very quickly. But in the meantime the destructive U-boats were a great menace to transportation. Mr. Daniels and the President met the situation with promptness, and the Navy proved most efficient. At first, the German officers and men gloried in their U-boat service, but soon our own U-boats made their operations so hazardous that they had no great desire for it. When in May, 1917, some troops were ready to be transported, the convoy system was adopted, the transports being accompanied by cruisers and destroyers.

#### **The convoy system**

But to supply our deficiencies in transportation Great Britain largely contributed. Convoy after convoy sailed, and no American soldier lost his life when under naval supervision.

In August, 1917, a mine was invented which Mr. Daniels<sup>1918</sup> and the President urged should be used by the hundred thousand in closing up the North Sea, and hemming in the German destroyers. Eventually, with reluctance, the British Admiralty agreed to coöperate: and on June 7, 1918, the American squadron planted a mine field 47 miles long, with 3,400 mines in three hours and a half. That was the beginning of this unparalleled enterprise. At length the purpose was accomplished. The U-boats were measurably closed in. These achievements are the world's greatest military accomplishments, and Mr. Daniels stands apart from all other Secretaries of the Navy in being in a measure the originator of the plans, and the administrator of the details in their execution.

### **The North Carolina troops**

On the return of the North Carolina brigade from El Paso in August, 1917, the regiments proceeded to Camp Sevier, Greenville, S. C. There companies of the First Regiment were assigned to other organizations. The Second Regiment became the 120th U. S. Infantry and the Third Regiment became the 119th U. S. Infantry. Other men were assigned to these regiments to fill them up, among them companies of the First Regiment, and some from Tennessee and other states; so that the 119th Regiment had about 1,800 North Carolinians, 900 from Tennessee and 700 from Kentucky and the Northwestern States.

### **Our regiments**

Likewise the 120th had accessions from the First North Carolina National Guards and from Tennessee, Kentucky and Indiana. These regiments, with the 105th Engineers and 115th Machine Gun Battalion, formed the 60th Brigade, commanded by Brig. Gen. Samson L. Faison, a North Carolinian, and was known as "The Tar Heel Brigade," which was assigned to the 30th Division, known as "The Old Hickory." The brigade was so efficiently trained that in May it was ready for the field; and on May 8, the 119th

Histories  
of the  
119th and  
120th



1918

reached Camp Merritt in New Jersey. There it was separated into three parts, one going to Hoboken, one to Boston and one to Philadelphia for embarkation. On the 11th, each embarked on a transport, and the transports sailed for Halifax where a convoy was formed, sailing on May 16 for England. On the 27th the convoy safely reached Liverpool, and the next day the 119th Regiment reached Dover by rail, and on May 29 arrived at Calais.

Quickly following the 119th, the 120th Regiment proceeded to Boston, and one division safely reaching Liverpool and the other London, arrived at Calais on June 5, 1918.

On June 1 the 105th Engineers sailed from Halifax, and later reached Calais safely.

While the 60th Brigade was a part of the 30th Division, it was attached to the 33d British Division and presently was assigned to the British Corps, and was hurried on to the Ypres salient in Belgium, being the first American troops to enter the Little Kingdom—the 119th being the first American regiment to do so.

### Our Division in France

When sufficiently trained the Division took over the Canal sector of the Ypres salient. "The entire sector is a ghastly monument to the tenacity and courage of the British soldiers." For four long years they held it against bitter attacks by a determined enemy.

Conway's  
119th  
Regiment

On the night of the 17th of August the 60th Brigade relieved the 33d British Division, the 120th taking over the left of the sector, the 119th taking over the right of it. Not only had North Carolina its share in holding the bloody salient, but in days of bitter fighting our regiments proved their prowess, and on September 1 the 119th in a successful advance took Voornezelle.

Walker's  
120th  
Regiment

On September 5 the Division, including both the 119th and 120th, was transferred to the 3d British Army, and arrived at St. Pol on September 7, being the first time in two months these troops were beyond the range of the enemy's artillery. Ten days later the troops were moved to the Puncheville Area, but on September 22 the Division

was transferred to the 4th British Army at Tincourt Area, <sup>1918</sup> where it arrived two days later. Here the troops were again under shell fire. They were distributed in sunken roads, chalk cliffs, etc., throughout the vicinity of Rousel; and now began the final instruction for the coming operation of a determined effort to break the Hindenburg Line to be made September 29.

### **The Hindenburg Line**

The Hindenburg Line had been constructed by the Germans as an impassable obstacle to the advance of the Allies along their northwestern front. At this sector it consisted first of three rows of heavy barbed wire very thickly woven, each row from 30 to 40 feet in depth; then three rows of trenches; then the St. Quentin Canal tunnel, 6,000 yards under ground, and at some places near 200 feet below the surface, and so wide and high as with its connecting tunnels to form a great subterranean defense, with barges on the canal capable of bearing a division of troops; lighted by electricity, and with every accessory that German skill and foresight could devise. And there were concrete tunnels running from this secure reservation to Bellicourt above, and to the trenches. In preparation of defense human ingenuity had been exhausted.

To break the Hindenburg Line at that point would separate the German forces and destroy their system of defense. Many fruitless attacks had been repulsed. Now another was to be made by the British Army; and the 30th Division was to attack the center. The two North Carolina regiments were to make the assault, with the 46th British on their right and the 27th American on the left; while the 117th Infantry was to follow the advancing column.

Preliminary to the attack, for forty-eight hours, a continuous bombardment of the enemy's lines, and then at 5:50 on the morning of the 29th of September the barrage was suddenly started; the troops following. All was going well when a dense fog enveloped the scene, and shut out the vision. So well trained, however, were the North Caro-



1918

linians that they continued to move forward doing their work with precision and in an hour and a half the Hindenburg Line was carried. Four hours later Bellicourt, the crowning fortress, was occupied. The North Carolina Brigade was the first unit to penetrate the German line of defense. Of the 120th Regiment it is said that it succeeded in taking all of its objectives on time as planned. Captured German officers, realizing the situation, now declared, "All is lost."

The  
Armistice  
Nov. 11

The brigade now was relieved, and the two North Carolina regiments on October 1 marched to Belleau west of Teroune and eventually on the night of the 8th the brigade was engaged in the attack on the Premont-Brancourt Line, and the town of Bohain was taken, and on the morning of the 9th they again pressed forward, and the men being exhausted from their continuous fighting on the afternoon of the 10th they were relieved. But a week later they were in the movement at Rebeanville, reaching Ecaillen on the 19th and the Meringheim on the Somme Canal, having driven the enemy five miles. On the morning of November 11 when the 120th was engaged in preparing for an assault the Armistice was announced. On November 17th the 30th Division was transferred to the American Army and moved farther south. On March 14, 1919, the 119th arrived at St. Nazaire for embarkation and landed at Charleston April 2. The 120th quickly followed; both going to Camp Jackson. On March 31 the first embarkation of the 105th Regiment was made at St. Nazaire, and early in April the second followed and the regiment arrived at Charleston. On April 17 every man had received his discharge. The casualties were, 119th: 44 officers, 1,692 men; 120th: 57 officers, 1,757 men.

To keep the ranks filled, men from the draft districts of North Carolina, South Carolina and Tennessee were from time to time assigned to these regiments.

#### **The officers**

The field officers of the regiments were: The 119th: Col. J. Van B. Metts, Lieut. Col. B. B. McCrosky, Maj. Graham

K. Hobbs, Maj. John H. Manning, Maj. H. C. Bays. The 120th: Col. Sidney W. Minor, Lieut. Col. Don E. Scott, Maj. James A. Leonard, Maj. Hilliard Comstock, Maj. James W. Jenkins, Maj. Wentworth W. Pierce, Machine Gun Battalion. The 105th: Col. Joseph Hyde Pratt, Lieut. Col. Perrin C. Cothran, Maj. George W. Gillette, Maj. George L. Lyerly.

As distinguished as were the conduct and service of the 119th and 120th regiments, and as remarkable were their achievements these admirable soldiers had as worthy companions on the field of glory in the personnel of the 105th Engineers. Of this last fine body of North Carolinians it has been written: "The spirit with which both officers and men entered into the work assigned them, no matter how trying, or difficult, or dangerous; and the very efficient manner in which you performed it, has caused the 105th Engineers to be recognized as one of the more, if not the most efficient regiment of the American Expeditionary Forces. Your work has led to such expressions as, 'No officers or men have shown as much interest in their work or done more efficient work than the 105th Engineers.'"

### **The engineers**

"The engineer train made a brilliant record in the engagements at Luneville and Baccarat sector, Chateau-Thierry, St. Mihiel and the Meuse-Argonne. They have won for the State and themselves on the battle fields of France and Belgium imperishable glory. Indeed, the troops from North Carolina in every branch of the service have made a glorious record in the World War for themselves and the State as well. At Belleau Wood, Chateau-Thierry, Kemmel Hill, Cambrai and St. Quentin on the Hindenburg Line, in the St. Mihiel sector, in the Argonne Forest and wherever the fighting was hardest, their patriotic devotion to duty and their sacrifice for the liberty of mankind, marked them as worthy sons of a noble ancestry. They fought and sacrificed and died as only heroes can fight and sacrifice and die. Another chapter in the State's record book of immortal deeds has been written."

Pratt's  
Engineers

Adjutant  
General's  
report



### The artillery

Leonard B.  
McLendon

In June, 1917, the War Department announced it would accept a regiment of field artillery from this State. The people responded, and 89 counties were represented when the regiment was organized. The batteries were commanded by Captains John H. Weddell, Wiley C. Rodman, Leonard B. McLendon; by the end of June these companies formed the First Battalion. Then came Captain Kenneth M. Hardison, Baford F. Williams, Reed R. Merrimon, Col. Albert L. Cox, Lieut. Col. S. C. Chambers, Major Thaddeus G. Stem, Major Alfred M. Bulwinkle were appointed field officers. Captains Matt H. Allen, A. L. Fletcher, E. E. B. Boyce and W. T. Joyner and Dr. Claude L. Pridgen were of the Staff, with Chaplain B. R. Lacy, Jr.

Fletcher's  
Artillery

On July 25, 1917, the regiment was called into active service, and it went into training at Camp Sevier. It was now the 113th Regiment, attached to the 55th Field Artillery Brigade of the 30th Division, commanded by Gen. Gatley. In April, 18 officers and 30 enlisted men were detailed to go to France as "an advance school detachment." On May 19, the regiment broke camp for embarkation, at Camp Mills, Long Island; and on the 26th embarked on the transport *Armagh*. The transports reached Liverpool safely and on June 12 arrived at Havre, and training in the French camp now began. General Shipton now succeeded General Gatley.

On August 23, 1918, the brigade entrained for the front, Colonel Cox being temporarily in command until it arrived at Toul. Their first work was to launch the big all-American drive on the St. Mihiel salient. It began at one o'clock at night. More than two thousand American guns took part in this mighty bombardment, the greatest in the history of the world. In four hours they fired a million rounds of ammunition, and at five o'clock the infantry entered the trenches of the enemy. So swift was the action, that by noon the soldiers had accomplished what was expected to take ten days. Pershing, in general orders, said: "Not only did you straighten a dangerous salient, capture 16,000 pris-

oners and 443 guns, but in 24 hours you were threatening Metz."

Then came Argonne. The 113th Field Artillery and other units of the 55th Brigade were ready, at the opening of the great battle that was to smash the Hun's strongest defense and put a speedy end to the war. On September 23, the regiment went into position on the north edge of the Boside Esnes, but en route four men were wounded, and three horses killed and others wounded. Difficult as had been the work of supplying the batteries at St. Mihiel it was doubly difficult at Argonne. At 2 a.m. on September 26, the battle began. The regiment was supporting the 73d Infantry Brigade of Ohio, the Ohioans showing the finest pluck and daring. The progress of the first day was surprising; the Germans had been caught napping and the Americans pressed their advantage. The new position of the regiment was near Montfaucon, and there the resistance stiffened. Six German divisions had arrived from the British front, and the tide of battle ebbed and flowed; but by the afternoon of the 27th the 113th was in Montfaucon. Sept. 1918

### Chaplain Lacy's efficiency

Here Chaplain Lacy won glory. He was familiar with German and well trained in artillery. They had captured a complete German battery, with large quantities of ammunition ready for action, with German tables, maps, instructions, etc. The battery was ready for action, except the men. Lacy asked to be allowed to select gunners and put the German guns into action. In a short time he had the captured battery at work on the Germans. Montfaucon was taken and retaken several times before the final victory. The 113th fired 14,253 rounds in support of the Ohioans. The 113th was now in the 63d Infantry Brigade, 32d Division, which spent six days in the Argonne. The fighting was constant day and night. The daily expenditure was about 5,719 rounds. Argonne

The horses of the regiment were now gone; out of 1,050 that went in at St. Mihiel on October 7, only 247 were



serviceable. The guns and other equipment were carried to a new sector in trucks. The men likewise had suffered. "It is impossible," says the historian of the regiment, "to chronicle the many deeds of bravery of the officers and men of the 113th. From the highest to the lowest every man saw his duty clearly and did it."

The importance of the battle of Argonne is difficult to estimate. The objective was the Sedan-Mezceres railroad, supplying the main German line. After 47 days of terrific fighting the Americans reached Sedan. One hundred and twenty thousand American troops, 2,417 guns, won the long battle and put an end to the war. In it, the 113th fired 23,557 rounds of ammunition. North Carolina's record was one of glory.

After other experiences, on January 5, the command was ordered back from Luxemburg to the Toul area, and on March 6, they embarked on a transport at St. Nazaire and reached Newport News March 18. The 113th served longer at the front than any other North Carolina organization. After August 23, it was without cessation within the range of German artillery. Its record is remarkable.

It is with satisfaction that one records that General Tyson, General Faison, H. L. Ferguson, Joseph Hyde Pratt, Col. J. Van B. Metts, Col. Sidney W. Minor and Col. Albert L. Cox were all decorated, winning honors for themselves and the State: as well as did General McIver of the 81st Division.

### **The Eighty-first Division**

In compliance with War Department instructions the 81st Division was organized at Camp Jackson, S. C., in September, 1917. This division was made up of National Army drafts from North and South Carolina and Tennessee. The Division remained in training at Camp Jackson until July, 1918. The first units embarked for overseas on July 30, 1918, and the last units arrived in France, via England, on August 26, 1918. Upon arrival in France the Division was ordered to the Tonnerre (Yonne) training area where it remained in training until the middle of August. The

Division then proceeded to the St. Die sector (Vosges) <sup>1918</sup> where it held the line as a part of the 33d French Corps. On October 19 the Division was relieved and ordered to join the 1st Army for the Meuse-Argonne offensive. The Division arrived in the Sommedieue sector early in November and was attached to the 2d Colonial Corps (French) as corps reserve. On November 6 it relieved the 35th Division in this sector and on November 9 the Division attacked the German positions on the Woevre Plain, and was in the line when the Armistice was signed.

On November 18 the Division moved to the vicinity of Chatillon-Sur-Seine (Cote, D'or) and the Artillery Brigade which had theretofore formed a part of the 8th Corps, rejoined the Division. On May 2d, the Division was placed under the control of the C. G., S. O. S., for return to the United States.

The commanding generals of this division were: Brig. Gen. Charles H. Barth, August 25, 1917, to October 8, 1917; Maj. Gen. Charles J. Bailey, October 8, 1917, to November 11, 1918.

The insignia of this division is a silhouette of a wildcat on a khaki circle. The color of the wildcat varies according to the different arms of the service.

During active operations the Division suffered the following losses: Killed, 250; wounded, 801; 51 men taken prisoner.

This Division captured the following from the enemy: Five officers, 96 men, 44 machine guns. The Division advanced five and one-half kilometers against resistance.

Nineteen Distinguished Service Crosses were awarded to individuals of this Division up to March 8, 1919.

Indeed, the "Wildcat" Division became famous for its exploits and achievements. It was composed of two brigades, one, the 161st under the heroic Brig. Gen. George W. McIver, a North Carolinian, was composed chiefly of North Carolinians: the other was the 162d Brigade. The 321st and 322d Infantry Regiments, 317th Machine Gun, 316th, 317th Artillery Regiments, 306th Sanitary Train and 321st Ambulance Corps, were primarily North Carolina

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Data War  
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units; while large numbers of North Carolina men were in the other units of the Division.

### **In the Navy**

The first order issued for participation of American forces in the World War was dated April 14, 1917, signed by Josephus Daniels, Secretary of the Navy. Four days after war was declared, a conference in Washington between Secretary Daniels and his aides with accredited naval representatives from Britain and France agreed upon the plans of coöperation which were carried out successfully to the end of the war.

Daniels's  
services

Long before the declaration of war, in 1915, Secretary Daniels had presented to Congress a program for the construction of new naval craft. Congress approved and such progress had been made that when, in May, 1917, the commander of American destroyers at Queenstown was asked when he would be ready to begin active campaign against U-boats, responded, "We are ready now." Work progressed so rapidly that the Navy built hundreds of fighting ships; and over 200 other vessels were in the naval service before hostilities ended. Nearly half a million men were trained. The training and the organization of Naval Reserves, whose enrollment proved invaluable when war came, was begun under the direction of Captain, later Admiral, Victor Blue, who was born in Richmond County, North Carolina.

Besides, this is to be observed, Secretary Daniels had organized the Navy as an educational and industrial as well as a fighting, institution. Legislation was also provided whereby one hundred enlisted men annually could obtain admission to the Naval Academy exactly as the appointees of members of Congress. Hundreds of men from the ranks were able to qualify as officers when the Navy was sorely in need of a large increase in officers during the war.

The order prohibiting intoxicating liquors on any ship or at naval shore stations, which Mr. Daniels had issued on June 1, 1914, opened the way for war prohibition which was established when the United States entered the war.

**Daniels's fine efficiency**

The outstanding things done by the Navy, after its preparedness, were the transportation and safeguarding of 2,070,880 American troops to France, one-half in ships commanded by naval officers. Not a single soldier in a ship commanded by an American naval officer lost his life on the way to France. The American Navy's second great contribution was building the barrage across the North Sea where the hornets were shut up in their nests. It built a pipe line across Scotland. It built and sent to France guns with a range of 23 miles. It erected air stations along all the coast of France, in Ireland and England; engaged in attacking the German U-boats and the U-boat bases at Bruges, Zeebrugge and Ostend, and coöperated with French and British air service.

**Our North Carolina Navy officers**

Five American dreadnaughts served in the North Sea with the British fleet under the command of Admiral Rodman. Of these five, three were commanded by North Carolinians, the *Texas* by Capt. Victor Blue of Richmond County; the *Florida* by Capt. Thomas Washington of Wayne County; and the *Delaware* by Capt. Archibald H. Scales of Guilford County. Later, when three additional dreadnaughts were sent to Bantry Bay, one of them, the *Nevada*, was commanded by Capt. Andrew T. Long of Catawba County. All these officers were given Distinguished Service Medals by the President, and decorated by Britain and France, and were later promoted to the rank of Rear Admiral. Three of them, Blue, Washington and Long, served as Chief of the Bureau of Navigation, the second most important position in the Navy Department.

The  
Captains

From the beginning of the war chief dependence on the part of the Allies as well as the American forces, was upon oil sent over mainly from the ports of Tampico, Mexico, and from Port Arthur, Texas. Success depended on this supply which was threatened by German U-boats. Secretary Daniels organized a strong patrol force to guard the



Anderson

waters from Key West to the Canal Zone, chiefly to protect the oil supplies. The patrol was first placed under the command of Admiral Henry B. Wilson. Afterwards Admiral Edwin A. Anderson of Wilmington, was given that important command. All through his career Anderson had been particularly distinguished for efficiency in service, for training his command by strenuous practice to the highest efficiency; and to meet the novel conditions incident to U-boats. He now perfected training for anti-submarine warfare, and listening devices for locating and pursuing submerged craft, and determining from air craft the visibility of submarines, and was so successful as to have excited the admiration of the famous electrician, Edison, who was himself at Key West experimenting with listening devices. Anderson's contributions in this and other necessities of the situation were of great service during the war. The Cuban Navy was put under his command, and he was given the Distinguished Service Medal for "exceptionally meritorious service" and for "successful coöperation with the Cuban Government."

In 1919, he rendered such an exceptionally fine service at the Charleston Navy Yard that he was called to Washington as the president of a board for reorganization of the Navy Department and its activities.

Cotten

Early in the war Commander Lyman A. Cotten of Edgecombe County was placed in command of the barracks at New London, Conn., for duty in connection with the fitting out of submarine chasers. In May, 1918, he was in command with headquarters at Liverpool, and also of 48 submarine chasers scouting for submarines with headquarters at Plymouth. It was one of the three largest sub-chaser detachments that served in foreign waters during the World War. He was given the Distinguished Service Medal. He was highly commended by Admiral W. S. Sims, his superior, who wrote of him in *The Victory at Sea*.

"Those boys can't bring a ship across the ocean," someone remarked to Captain Cotten, who commanded the first squadron of sub-chasers to arrive at Plymouth, after he had related the story of one of these voyages.

"Perhaps they can't," replied Captain Cotten, "but they have."

"It is impossible to overpraise the work of such men as Lyman A. Cotten in 'licking' the splendid raw material into shape. . . ."

"By June 30, 1918, two squadrons of American chasers, comprising 36 boats, had assembled at Plymouth, under the command of Captain Cotten. In company with a number of British hunting units, Captain Cotten's detachment kept steadily at work from June 30th until the middle of August, when it became necessary to send it elsewhere. The historical fact is that not a single merchant ship was sunk between Lizard Head and Start Point as long as these sub-chasers were assisting in the operations."

#### **Captain Foote won distinction**

Though not a single American ship carrying soldiers to France was torpedoed on the way over, the *President Lincoln* was torpedoed and sunk returning. Captain Percy W. Foote of Wilkes County, was commander of the *President Lincoln*. He was highly commended for his coolness in saving a large number of the crew. On May 31, returning to America, while Captain Foote's ship of war was steaming along five hundred miles from shore, at nine o'clock terrific explosions from three torpedoes caused great destruction. The ship was doomed from the first. Within 25 minutes, with her colors flying, the *Lincoln* went down. Three officers and 23 men out of the 715 on board were lost. "Your action and judgment under such trying conditions were in accord with the best tradition of the service," wrote Admiral Gleaves to the brave and efficient North Carolina captain of the ship. Captain Foote had remained aboard his ship until all the crew, except those killed in the explosion had been given places on rafts. His spirit inspired the crew and passengers. Awaiting aid until far into the night the men kept up their spirit, singing, "Keep the Home Fires Burning," "Hail, Hail, the Gang's All Here," and "Where Do We Go From Here, Boys?"



Scales

Capt. Archibald H. Scales was the son of Junius Irving Scales of Greensboro. While on duty in Asiatic waters in 1869, he landed with a company of sailors and protected the life of the Emperor of Korea who had sought refuge in the Russian legation. He served in the Spanish War and was in the battle of Nipe Bay off Cuba. He was in the operations of the grand fleet under Admiral Beatty in the North Sea. Admiral Scales served after the war as Superintendent of the Naval Academy, one of the most important shore employments in the Navy, and then Admiral Washington was made full Admiral in command of the Pacific Fleet.

#### Lieut. G. F. Parrott

The only North Carolina officer afloat who lost his life was George Fountain Parrott of Lenoir County, when the captain of the *Shaw* sacrificed his own ship to save the big troop ship *Aquitania* on October 9, 1918. The *Aquitania* struck the destroyer and sliced her almost in two, passing through her without even slowing speed, cutting off 90 feet of its bow, raked the whole length of her side. Sparks ignited the oil, setting fire to the vessel. Lieutenant Parrott was killed in the collision, a sacrifice greatly lamented.

Bagley

Commander D. W. Bagley was in command of the destroyer *Jacob Jones* when it was torpedoed and sunk, December 16, 1917.

"Bagley's handling of the situation after his ship was torpedoed was everything I expected in the way of efficiency, good judgment, courage and chivalrous action," wrote Admiral Sims. For two days it was believed that Commander Bagley had lost his life. He was the last man to leave his ship. As he touched the water the depth bombs went off; he was stunned and picked up more dead than alive the next day. His ship had formerly won commendation for saving life off the New England Coast and off the Irish Coast. The Distinguished Service Medal was awarded to Captain Bagley. During the two days that Captain Bagley was virtually given up as lost; it looked as if he had met the fate of his older brother, Worth Bagley.

In addition to those mentioned, there were from North Carolina Surgeon General Edward R. Stitt, Captain Rufus Z. Johnston and thirty-five commanders and lieutenant commanders; and Homer L. Ferguson, formerly of Waynesville, a graduate of Annapolis, who had achieved a great reputation as a naval constructor, should likewise be mentioned for great service.

### **The naval reserve**

Besides the men who went into the Army, there were those who preferred life in the naval service. Before the war there was the "Naval Militia," but on August 29, 1916, Congress created the National Naval Volunteers, providing a naval reserve force. Both at the University and the A. & E. College at Raleigh instruction was given in selected naval subjects and young men were prepared to be officers in the naval service. The State was divided into ten districts and there were enlistments in every county. Buncombe led the list with 347 and Wake and New Hanover closely followed. Altogether there were 7,124, of whom 2,750 joined the regular Navy and 4,176 men and 190 females went into the Naval Reserve. While there were 187 officers appointed from the State in the regular Navy, there were 517 North Carolina officers in the Reserve.

Every county furnished a contingent of officers as well as men. As an illustration—from New Hanover there served as lieutenants Robert Caldwell, Ashley Curtis, W. M. Atkinson and J. Lawrence Sprunt; and as ensigns C. D. Burris, John Murchison, Frank Andrews, Bernard O'Neal, J. L. D. Sprunt, Alexander Sprunt, Harry Shaw, William Shaw, Fleet Williams, Hugh Calder and W. Woolard. The State throbbed with patriotic ardor and every community furnished its quota of volunteers for perilous service and sacrifice.

The Coast Guard during the war was under Navy orders, and was then a part of the service. Among the many acts of heroism performed by the Coast Guard that at Chicamacomico on August 18, 1918, deserves particular notice.

The Coast  
Guard



1918

The *Mirlo*

"A very gallant action was that of the keeper and crew of Coast Guard Station No. 179 at Chicamacomico, in rescuing life under extraordinary circumstances following the destruction of the steamship *Mirlo*, on August 16, 1918. At 4:30 p.m. the lookout reported seeing a great mass of water shoot into the air. It seemed to cover the after portion of a steamer that was about seven miles away. At the same time a quantity of smoke rose from the steamer. Fire was seen, and heavy explosions were heard. The Coast Guard boat went to the rescue. Five miles off shore they met one of the ship's boats with the captain and six men in it, who informed them that the ship was a British tank steamer and that she had been torpedoed. The Coast Guard boat was headed for the burning mass of wreckage and oil.

"On arrival the sea was found to be covered with burning oil and blazing gas for a hundred yards, with two masses of flames about a hundred yards apart. In between these, when the smoke cleared away a little, a lifeboat could be seen, bottom up, with six men clinging to it. Heavy seas washed over the boat.

"The Coast Guardsmen made their way through that inferno of smoke, thrashing wreckage and blazing oil. They evaded the perils of floating debris, fire and wave. Lifting the six men on board, all that survived of the sixteen who had been in that lifeboat, the Coast Guard rescuers sought the safety of clear water. Thirty-six men of the *Mirlo* were rescued."

### **The delegation**

While North Carolinians were admirably performing their duties at home and abroad, the delegation in Congress was winning golden opinions for their patriotic and zealous work and important services. In the House Claude Kitchen became the administration leader, and in the Senate Simmons

and Overman were of great consequence.\* Earlier, Mr. Simmons had by his masterful handling of business become a recognized leader. In 1912 being Chairman of the Finance Committee, Simmons inserted in the House Tariff Bill 526 amendments, and although the bill then carried lower duties than any other tariff bill ever passed except that of 1846, he so managed as to win even from the Republican opponents on the floor of the Senate expressions of admiration; in the matter of the Panama tolls, he secured action that relieved President Wilson from great embarrassment; and similarly both Senator Overman and himself were constantly of particular service. During the war period, their whole heart was in their work. Mr. Simmons devised the great measures of finance necessary under the conditions.

In conference with Secretary McAdoo, the preliminary measure was determined on to issue five billions of bonds, lending three billions to the Allies, and Mr. Simmons announced the purpose to utilize every resource to sustain the Allies at home and in the field. On him devolved the high duty of perfecting financial legislature to win the war and he devoted every energy to the task and achieved a great success.

He laid the burden of sustaining our government and country in its hour of dire need on those who were the most interested in the result—the men of property who were making great profits incident to the war. The excess profit tax, the tax on profits incident to the war in excess of what had been usually earned annually before the war came on, was virtually his creation.

The war was still on in the summer of 1918 when the election of United States Senator was being considered by the people, and at the election Simmons received 143,524 votes to 93,697 given to his competitor, John M. Morehead.

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\*On December 6, 1917, Senator Simmons presented to the University of North Carolina the flag that floated over the Senate Chamber during that session. "This flag was presented to Senator Simmons because of his patriotic activities and particular connection with the great measures that passed during the period it was in use, such as the War Risk Insurance Bill, the Liberty Bond Bill, the two War Revenue Bills, and the very important and essential Shipping Bill," he having moulded these bills and secured their passage. He presented this flag to the University as the head of the educational system of the State.



**Joyner retires**

Dr. Joyner after seventeen years of service as Superintendent of Public Instruction during which the educational system had been greatly advanced, now retired, and Governor Bickett appointed Dr. E. C. Brooks to succeed him. When Joyner came in the average daily attendance was about 300,000, and now it was near 500,000; the school population, however, had naturally increased. Particular efforts had been made and with great success to increase the capacity and efficiency of the high schools, and the pupils in the counties were receiving more thorough education than ever before.

Brooks  
Superin-  
tendent

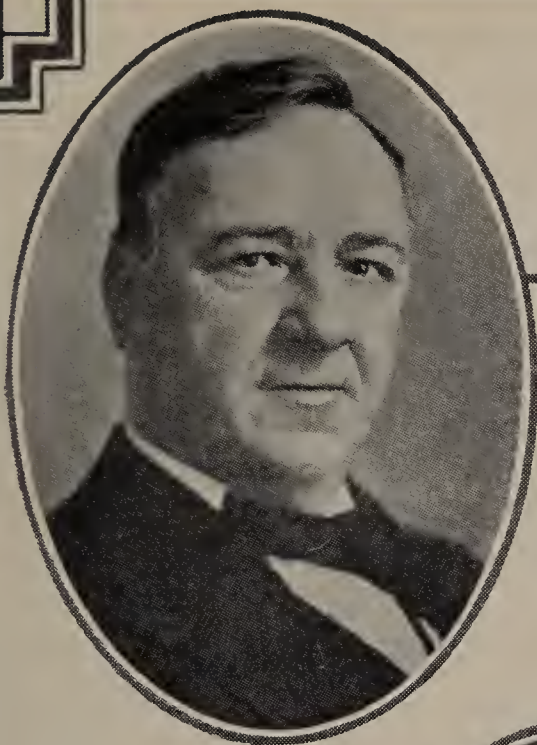
Dr. Brooks had had long service on educational lines and in addition to unusual administrative abilities he was gifted with the spirit of authorship, having contributed eight or ten excellent productions to our meager supply of native literature, the last being especially noteworthy, an account of how the several states of South America established their independence.

**Conditions in 1919**

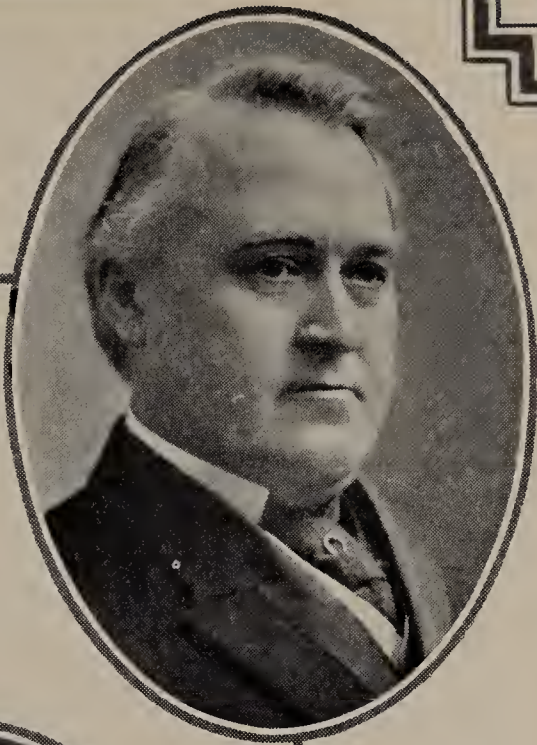
During the war millions of men were withdrawn from their ordinary vocations, while the demand for supplies of all kinds, ships, munitions, airplanes, implements, as well as food and clothing, was almost beyond reasonable expression. As the number of laborers had been diminished the need of workmen had suddenly increased many fold. There was a phenomenal increase in wages. There were many opportunities for extravagant prices and unheard of profits; and values being the result of labor, as wages rose and the cost of production increased, values went beyond bounds. The dollar lost its former purchasing power.

In the State the effect was notable. While in 1916 the value of the crops was double that of 1915, being \$417,000,000 and in 1919 had risen to \$683,000,000, yet the profits of manufacturing had exceeded those of agriculture. There was marvelous prosperity. But the appropriations for the

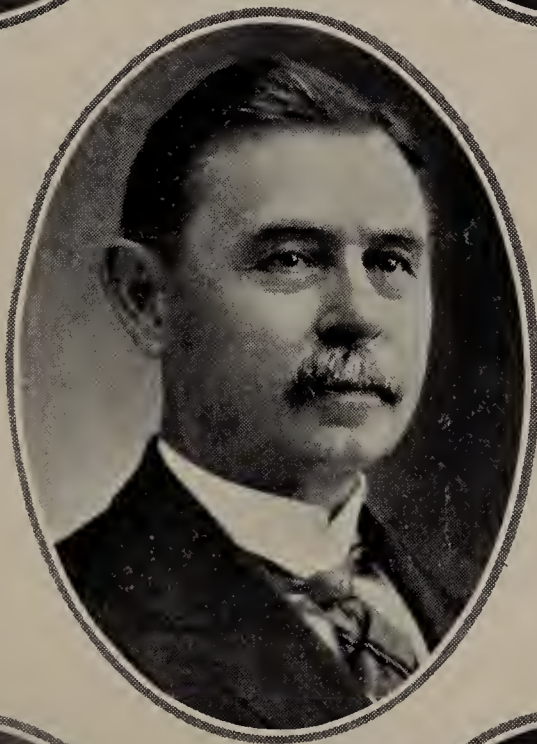




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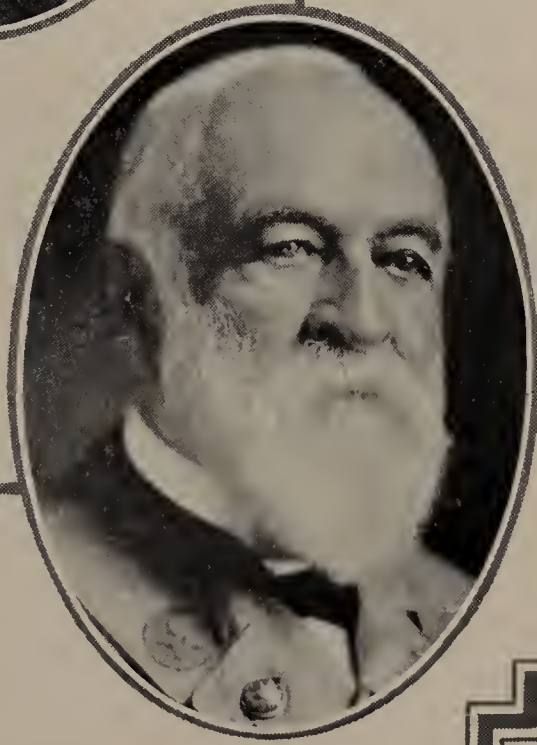
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5

1. Josephus Daniels

3. Furnifold M. Simmons

2. Lee S. Overman

4. Claude Kitchin

5. Charles M. Stedman





institutions were \$2,750,000 short of the expenditures. The problem of adjusting taxation and resources to expenditures was pressing. 1919

When the Assembly met in January, 1919, D. G. Brummitt was chosen Speaker. Governor Bickett sent an extended message dealing with all matters involved. With great pride he adverted to the "noble part North Carolina had played in the inspiring drama of ideals in arms." Words did not fail him in his tribute to our soldiers: nor in his portrayal of the duty of the State to the children: nor on the subject of taxation. Already such material progress had been made that Governor Bickett in a message said, "Every citizen is entitled to take pride in the wonderful growth of our State. The State now is a big family, and the high cost of commodities makes it imperative to increase salaries. . . . Lengthening the public school terms and the increase of salaries call for an additional revenue of two and a half millions." He recommended a scheme of increased taxation. He united with the Special Tax Commission in recommending a budget of proposed appropriations combined into one bill. He urged that the Tax Commission should be directed to have all property assessed at true value, and later he urged the "Income Tax Amendment" which had been recommended by the Special Tax Commissioners. The Assembly responded favorably to his recommendations.

Bickett's  
message

The Legislature, acting promptly, provided for the State to coöperate with the Federal Government in regard to highways. It established a six-months term of school, and raised the pay of the teachers from \$45 to \$65, and required that all children under fourteen should attend the entire term. It provided for schools for adult illiterates, schools to promote agriculture, farm life, home economics, and the vocational school, and required the examination of the children and sanitary equipment. It provided also for the textbooks to be used. In a word it regulated the entire school system. It declared that children under sixteen should not be held to be criminals, and established Juvenile

Progressive  
measures



1919

Courts with jurisdiction over them. It ratified the prohibition amendment and authorized the erection of a new agricultural building.

The Child Labor Law was modified so that "no child under fourteen is to be employed in any manufacturing establishment nor in any employment during school hours." And "no child under sixteen shall be employed before 6 a.m. or after 9 p.m.," and many other regulations pertaining to the employment of children were prescribed. In that year also the Child Welfare Commission was created. The State Board of Health had been created in 1877; and now North Carolina, first of all the states, established the County Health Department, coöperating with the State Board.

### **Revaluation**

The Legislature provided for the revaluation and assessment of property on the basis of actual value; and appointed a State Revaluation Commission, and made an interesting change in administration. The enlarged and varied interests of the many instrumentalities of the State and the necessity of more intimate and exact information as to their requirements and the sources of revenue led to the adoption of a State Budget Commission. It is composed of the Governor, the chairman of the two finance committees and the two appropriation committees and a member of the minority party to be appointed by the Governor. This Commission is to be furnished before every other September from each State agency, except the Legislative, Executive and Judicial Departments, their estimates of proposed expenditures for the succeeding two years and from the State Auditor all financial information they should have for the purpose of ascertaining the facts involved in the subject; and they are to present to the Legislature a complete plan of itemized expenditures and of the estimated revenues for two years. By another act the Governor and Council were authorized to fix salaries of clerks and employees in the several departments.

### The effect on labor

The extraordinary demand for labor at the North had led thousands of negroes to remove from the South. While a considerable number left North Carolina, their loss was not as greatly felt as in some of the other states where the crops suffered. Indeed, the negroes in North Carolina from the beginning had but little cause for dissatisfaction and generally appreciated that their treatment was better, perhaps, than elsewhere, and their progress and improvement industrially and otherwise were marked. And so some of the leading negroes in the State called their attention to these considerations and the exodus from North Carolina was not so noteworthy. After the war and the soldiers at the North had returned, many negroes came back to the South.

It is likewise to be mentioned that shortly after peace there sprang up at the North and at the West, as well as at the South, a secret organization attracting many hundred thousands, alleged to be based on "one hundred per cent American," commonly known as the "Ku Klux." Their influence was supposed to be against classes antagonistic to American institutions and against lawlessness. While there are many in the State they have not been in evidence because of their activities.

### New industries

As time passed the industries of the State had continued to increase in numbers and importance and the use of electricity had found such favor that in 1920 the daily "output" was 2,001,943 kilowatt hours; that by water-powers was 1,943,900 of which 93 per cent was from electricity. North Carolina had increased her spindles from four millions in 1915 to five millions in 1920 and was the second state in cotton manufacturing.

The population of Winston-Salem had increased since 1900 from 10,008 to 48,395; Charlotte from 18,091 to 46,238; Wilmington from 20,976 to 33,372; Raleigh from 13,643 to 27,076; Asheville from 14,691 to 28,504; Durham



from 6,679 to 21,719; while High Point, Gastonia and other manufacturing towns had increased in still greater proportion. The urban population in which the State had been so long deficient was now beginning to exert its influence and impart a new phase to State life.

#### The Banks

But the most substantial indication of the wonderful progress that marked this period of marvelous prosperity was the financial condition. In 1905 there were 209 State banks with nine branches, their aggregate resources being \$41,000,000. Ten years passed and in 1915 there were 420 State banks, including 22 branch banks, and their resources had risen to \$92,348,000. Now in 1919, the resources of the State banks aggregated \$298,540,000, an increase of more than \$200,000,000 and in addition the National banks had resource of \$191,000,000.

#### The political campaign

In view of the election of Governor in 1920, Heriot Clarkson pressed the nomination of Cameron Morrison of Charlotte, the two great points in his canvass being the enforcement of prohibition and the extension of good roads throughout the State.

At the Democratic primary, Morrison received 49,070, and the Lieutenant Governor, O. Max Gardner, came within a hundred of being the first choice, and Robert N. Page was third, with 30,180 votes. There being a failure to nominate, there was a second primary, Morrison receiving 70,353 and Gardner 61,073.

The commissions charged with revaluation having assessors in every county, eventually prepared a report, and the committees of the two houses on constitutional amendments and finance met and considered the same. Recommendations being finally agreed on, the Governor convened the Legislature in extra session in August, 1920.

#### Woman's rights

At the North there had for many years been some agitation for "Woman's Rights," and in time women were given

suffrage in some of the Northwestern States where their influence had doubtless brought about beneficial legislation. At length in 1913 an "Equal Suffrage Association" having been formed in the State, a bill was introduced in the Legislature in conformity with their wishes; but it met with no favor. From time to time other efforts made were similarly unsuccessful.

The Republicans were more favorable than the Democrats, the effect in the Northern States being to largely increase the relative Republican strength.

At length in 1918 the Republican State Convention declared for it, but the Democrats declined, although the women had every organization they controlled urging action, and many Democrats favored the measure.

While the Assembly previously elected was in session, the Woman's State League met in Raleigh, addresses being made by William Jennings Bryan and others; Miss Gertrude Weil of Goldsboro was elected president, and Mrs. Josephus Daniels, honorary president, but again their measure was defeated.

Aug. 1919

### **The women fail**

Among the many very active women were Mrs. T. Palmer Jerman, Miss Julia Alexander and Miss L. Exum Clement, Miss Martha Haywood and Miss Nell Battle Lewis. In the meantime in the Northern States the movement had grown to great proportions: many states had declared for "Equal Suffrage." At length on June 5, 1919, Congress finally passed a joint resolution submitting to the states an amendment to the Constitution, that the right to vote shall not be denied or abridged on account of sex. There was, however, an "Anti-suffragist" party among the women, while the newspapers in the State now were generally favorable. When the Democratic State Convention met in April, 1920, the two antagonistic woman's associations also attended.

April, 1920

The proposed amendment had now been ratified by so many states that its adoption seemed certain, and the Repub-



1920

lican State Convention had, in anticipation of its becoming operative, nominated Mrs. Mary Settle Sharpe as its candidate for Superintendent of Public Instruction. There was a hot contest in the Democratic Convention, one of the champions of the women being Lieutenant-Governor O. Max Gardner, and although Cameron Morrison was in the opposition, the women won. The Convention inserted the desired plank in its platform. That was in April, but in August Governor Bickett convened in extra session the members who had been elected in 1918 when the plank had been rejected by the party. Governor Bickett at this session transmitted the proposed Nineteenth Amendment, that "the right of citizens to vote shall not be denied or abridged on account of sex."

The Democratic party in its State platform had just endorsed it; the National Convention had asked it; President Wilson and Governor Cox, the Democratic nominee, stood for it, but on August 17, the Senate by a vote of 25 to 23 postponed the consideration of the measure to the regular session, and then in the House of Representatives it was "killed outright."

#### **The amendment adopted**

Aug. 1920

The Assembly would not ratify the amendment; but the ratification of only one more state would give it validity and the Tennessee Legislature was then in session considering it. Efforts at Raleigh were made to influence adverse action at Nashville, but without avail. Tennessee ratified.

Ch. 16,  
Extra  
Session,  
1920

The North Carolina Assembly thereupon at once provided for the registration and voting of females qualified for suffrage. And under the State Constitution a voter could hold any office in the State.

While according to women the coveted right of suffrage, not theretofore enjoyed by them, was a change in social and political life founded on broad views of "the rights of man" and tending to the greater independence of females, its political effect, it is expected, will be to greatly extend the functions of government, bringing within its domain





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1. Mrs. Mary C. Woody

3. Mrs. Lucy H. Robertson

2. Mrs. Mary Mendenhall Hobbs

4. Mrs. M. O. Van Landingham

5. Mrs. J. Eugene Reilley





many subjects not heretofore within the cognizance of the public.

In this extension work the women of the State have been quick to engage and they have sought to promote many measures that would tend to improve the individual in every sphere of life, but such work was not entirely new.

Among the foremost of those who devoted themselves to the elevation and benefit of women were Mrs. Mary C. Woody of the New Garden School, now Guilford College, who for many years as President of the Women's Christian Temperance Union traveled throughout the State, organizing chapters and influencing legislation; and Mrs. Mary Mendenhall Hobbs, who, in addition, was the originator of the movement to open opportunities to poorer girls of the State, inspiring Dr. McIver to undertake that work.

Revalua-  
tion

And mention is made of the lifetime service rendered by Mrs. Lucy H. Robertson to Christian education, leading to her election as President of the Greensboro College, being the first woman college president in the South. Likewise, Mrs. John Van Landingham rendered great pioneer service in organizing patriotic movements and literary clubs, ever stimulating the cultural development of women. Similarly, Mrs. Eugene Reilley of Charlotte is a notable example of effective service for the benefit of women and social elevation, her unremitting activities having the full sympathies of her associates.

### The extra session

By the report on revaluation the value of all property listed in 1920 was \$3,139,000,000, while that listed the year before was only \$1,099,000,000. The Governor mentioned to the Assembly when it met in August that "the dollar we receive and the dollar we pay is relatively worth about forty cents." The result of the consideration of the entire situation was the adoption of the measures recommended by the Governor, and an entire change in the plan of ordinary administration. In substitution for the proposed amendments to the Constitution at the former session amendments



now were submitted to the popular vote by which the limit of State and county taxes on property for general expenses was reduced to fifteen cents: that on net incomes increased to six per cent: payment of the poll tax as a requisite for voting was abolished, and necessary residence in the State reduced to one year, and in the precinct to four months. These proposed amendments were adopted by the people at the November election: and the policy was inaugurated of no tax on property for State purposes.

The Legislature authorized the Treasurer to renew the \$2,750,000 bonds issued to make up the existing deficit: and further, when so directed by the Governor and Council, he was to issue bonds and borrow money to pay any expenses of the State institutions not covered by the appropriations, and the Budget System was still further perfected.

### **Women vote**

When the session closed a very warm canvass ensued. Morrison particularly made a great and earnest campaign. The voters in the State had been doubled, with a corresponding increase in the Democratic majority. At the election the vote for Morrison was 397,151 and for John J. Parker, the Republican candidate, 230,175. This was the beginning of woman suffrage in the State.

President Wilson, having maintained peace had in 1916, received 9,116,298 votes; and the Republican vote was 8,547,474; but at the election of 1920 Governor Cox of Ohio, the Democratic nominee, received 8,894,880, and Governor Harding, the Republican candidate, received 15,999,780.

Thus the period of Bickett's administration is memorable for the changes in the system of taxation; the introduction of the budget system; for the extension of the functions of government, the great impulse given to higher education; for its prosperity and increase in manufacturing; for the World War and for the admission of women to suffrage. This last it was expected would bring with it very interesting changes in the life of the people, imparting a new tone to public affairs, and perhaps leading to some new conditions in domestic life.

## CHAPTER LXXVI

### MORRISON GOVERNOR

Morrison Governor.—The new Assembly.—The inauguration.—Morrison strong on highways.—The great program.—The new conditions.—Permanent improvements.—The large appropriations.—The departments enlarged.—The Special Session.—The busy year.—The highways.—The women.—Constitutional changes.—The fire at New Bern.—The deficit.—Inland waterways.—Port terminals.—The Cape Fear and Yadkin Railroad.—Proposed amendments to Constitution.—Death of Bickett.—Bryan Grimes.—The Washington Statue.—Admiral Anderson.—Washington.—Cotton.—Favorable conditions.

#### The new Assembly

When the members of the Assembly met January 5, 1921,<sup>1921</sup> H. P. Grier of Iredell was elected Speaker, there being only 25 votes given for H. I. Williams, the nominee of the Republicans: and the Senate was called to order by Lieutenant-Governor O. Max Gardner who retired on the 12th, being succeeded as President by Lieutenant-Governor W. B. Cooper.

On the day succeeding the organization Governor Bickett<sup>The War</sup> delivered his final message in joint session. The Governor said, "I certify to all the generations that the one stupendous, immortal thing connected with this administration is the magnificent part North Carolina played in the last war. Everything done in the field of taxation; of education, of agriculture, of mercy to the fallen, of the physical and social regeneration of our people, all is but a snow flake in the presence of the majestic and glorified presence of the 80,000 men who plunged into the bloody tide of war."

The Governor urgently brought to the attention of the Assembly the report of the commission appointed to consider what could be done to better the condition of the colored portion of the citizens. They had recommended the establishment of a sanatorium and of a reformatory, and urged a more liberal system of teacher training, and



that equal accommodations should be provided them on the trains. The Budget Commission had concurred in those recommendations, and had made provisions for them in its report.

### Highways

Morrison  
Governor

The election returns having been canvassed, on the 11th, the members of the two houses met in the rotunda and proceeded to the City Auditorium to attend the inaugural ceremonies. There the Lieutenant-Governor and the State officers were sworn in by Justice Walker, and Mr. Morrison was sworn in by Chief Justice Clark. Governor Morrison's inaugural was pronounced. He declared his views of continued progress with emphasis. Education and every other material interest of the people were to be advanced, but he particularly laid stress on the highways. He urged with great force his plan, involving an outlay at first of \$50,000,000 and otherwise gave evidence that the past was behind and the future was for the State to grasp.

The Assembly was much in accord with the progressive spirit of the Governor. Already there was a State Highway Commission, Frank Page being the Commissioner. To carry out the Governor's purposes R. O. Everett introduced the first bill, and it was followed by one presented by R. A. Doughton and H. G. Connor, Jr., and then one by S. O. Maguire and a fourth by Peyton McSwain. Mr. Bowie for the Committee reported a substitute for all which passed the House. Then the Senate likewise passed a substitute. The final measure was much in line with the views of Governor Morrison.

Frank Page was continued in as the Commissioner, and each of the road districts was to have a representative on the Board. The plan called for 5,500 miles of hard-surface roads, connecting county seats and important towns, and bonds to the amount of \$50,000,000 were authorized, \$10,000,000 a year, and provision was made to pay the interest and principal. A tax was laid on license to use a motor, and a tax was to be paid on each gallon of gasoline sold. The

plan was well devised. Those who used the roads were to pay for them. In June, 1918, the total number of automobiles licensed was 62,077; the following year 17,500 new licenses were issued, and in 1920 43,500 additional licenses, and the taxes for registration had risen to \$1,776,497. <sup>1921</sup>

### New conditions

Another indication of prosperity was the great number of new corporations formed in the two years ending November, 1920, 2,877, being a great increase over any former year; and in the same period there were 194 new banks chartered, averaging two for each county.

As if in sympathy with this changed condition, there had been an increase of 1,785 teachers in the State, the number being 16,854, an average of 168 to a county. In the white schools there were 502 male and 705 female teachers. The cost of the schools for the year 1919 was \$5,112,871, and the next year it was \$8,445,699; while for new schoolhouses, the additional cost in 1920 was \$2,645,515. Indeed, the total expenditure for education in 1920 ran up to \$12,214,258, being an increase of 80 per cent over that of 1919. Expansion

On the same line the enrollment in the schools had risen to 691,249 showing an increase of 99,762 over the previous year, the addition in the rural districts being 75,098. The average length of term for the white schools was nearly seven months; among the colored there were similarly large increases.

Great efforts had been made in the high schools, the effect being apparent, for the enrollment at the University under the progressive administration of the lamented Dr. Graham had risen to 1,156; and now in one year it rose to 1,425, excluding the summer schools.

Notwithstanding the exodus of the negroes, the census showed an increase in population of seventeen per cent, and particularly had the urban residents increased, as the natural result of establishing industries and building factories. The population of 450 places were stated separately in the census returns, Winston-Salem leading with 48,395 and Charlotte



following close with 46,258. The population of a dozen towns aggregating in 1910, 159,496 had in the decade risen to 292,208, while the proportionate increase in many of the smaller towns was still more.

### **Permanent improvements**

Under the stimulus of these new conditions, realizing the great prosperity that had at length rewarded the industry of the people, and finding the boys knocking at the doors of the University and colleges, and that the girls were flocking to the other seminaries and that the charitable institutions were crowded, the Assembly now entered on a scheme of permanent improvement of remarkable scope. It planned to issue bonds to the amount of \$20,000,000 for that purpose. Such a debt for such a purpose had never before been contemplated. The issue was to extend through three biennial periods, the sole use of the funds being for buildings and construction. The Assembly began by authorizing the sale of \$6,745,000 of bonds, one-half to be for the year 1921, and the other for 1922. Of this appropriation, the University, the State College and the Woman's College were to have \$2,965,000; the hospitals \$1,366,000 and the other schools the residue. The State Building Commission was to have charge of the construction.

Bonds  
issued

But if the State institutions needed enlargement so did the high schools and other county schools, and the Treasurer was authorized to issue \$5,000,000 of bonds to lend to the counties to build school houses. And to provide for current expenditures the Assembly was equally liberal. For the fiscal year 1921, and substantially the same for 1922, the Assembly made appropriations for 35 different objects connected with the State institutions, amounting to \$4,437,000, of which \$1,000,000 was for the soldiers' pensions; \$445,000 for the maintenance of the University; \$275,000 for the State College; \$270,000 for the Woman's Normal College. In case the revenue should not suffice, in order to guard against any deficit, the Governor and Council were authorized to abate pro rata all appropriations over \$50,000.

The activities of the departments were now much extended. There were 18 different divisions of work in the Agricultural Department, four under the Corporation Commission, one being the Tax Department and another the Supervision of Banks, and eight divisions under the State Board of Health. The Automobile License Department was under the Secretary of State, and all the other departments were functioning.

### Special session of December

It happened that the 13 cent tax imposed for the public 1921 schools did not meet the requirements by \$710,000, and so an occasion arose that called for a special session. Under the circumstances an extra session was convened December 6, 1921, at which the State Treasurer was authorized with the advice of the Council of State to borrow \$710,000 to meet the deficit. The Assembly also ratified the sale of \$4,200,000 road bonds issued under an act of the previous session, and of \$3,372,000 of improvement bonds for the institutions, and it validated the tax rate levied for the six months term of schools. It likewise provided for a commission of five members to consider and report on the requirements in relation to raising an equalization fund for educational purposes.

The name of the East Carolina Training School was changed to East Carolina Teachers College. The practice in proceedings in civil cases was still further perfected, and provision was made for the retirement of judges at the age of seventy years, at two-thirds of their compensation, such retired judges being liable to be appointed emergency judges to hold special courts.

Judges to  
retire

So closed the notable year of 1921, remarkable for the authorization of debt for good roads and new buildings to the amount of \$75,000,000 and marking a turning point in the history of the State.



**The busy year**

1922 . The year 1922 was a busy one in North Carolina. In addition to the several avocations, highways were now being rushed to completion, and at all the institutions buildings were being constructed, factories were being built, and the towns were increasing in population and thousands of new homes were being erected in the outlying suburbs. The whole State was a hive of industry.

The new methods of administration instituted by the Legislature were in operation and the people were adapting themselves to the new regulations; no State land tax, but an income tax: and the schools continuing to grow.

The most spectacular operations were on the highways that rejoiced the multitude who used automobiles. By September, 684 miles had been completed, costing ten million dollars, and 660 miles were in progress, the total cost being over twenty million dollars. One of the most marked undertakings was the construction of the Williamston causeway, almost four miles in length and costing over half a million dollars.

With the Budget System, the Department of Revenue, the Board of Equalization, the extension of the State functions in many directions and the overflow of the banks with deposits and resources, the change was notable, and then in addition the women were now in evidence.

Mrs.  
Vanderbilt

Mrs. Edith Vanderbilt, the mistress of Biltmore, of fine capacity and administrative ability, and much interested in matters pertaining to agriculture and farm life and industries, was now the President of the State Fair; and women were in some high public offices supervising public affairs and concerned with government. Some were offering for county offices, and others were concerned in broader interests. One was in the Senate of 1921.

Amendments  
adopted

At the election in November, the proposed amendments to the Constitution were adopted—allowing an increase in the rate of taxation on incomes, and limiting the poll tax, and also limiting the property tax by the State to five cents, and the total of the State and county tax to thirteen cents,

abolishing the requirement of payment of poll tax as a prerequisite for voting, and changing the requirement of residence to one year in the State and four months in the precinct.

### **The fire at New Bern**

On December 1, 1922 a disastrous fire occurred at New Bern. Forty blocks of the city were erased, a thousand buildings were destroyed, thirty-five hundred persons, the majority being colored people, out of a total population of twelve thousand were left homeless, and fifteen hundred were thrown out of their regular employment, while the property loss was estimated at \$2,250,000. Seldom has such a deplorable calamity befallen a community of the State, and it aroused the sympathy of the people. Governor Morrison issued an appeal for relief which was answered by donations from the State to the amount of \$60,000, from other states, \$12,000 contributed by Virginia and New York, Georgia, New Jersey and the New England States. The American Red Cross on request took charge of the relief. Tents were supplied from Camp Bragg, and special trains brought supplies. No one went hungry or was without shelter. A tent city was quickly erected on ten acres, covered by 325 tents, with wooden floors and wooden walls lined with roofing paper.

At first 6,000 free meals were furnished daily. An employment bureau was at once opened and presently every one was at work; 1,847 persons were placed in employment, and soon most of the suffering was only a memory.

### **The deficit**

At the session, January, 1923, John G. Dawson of Lenoir was chosen Speaker and the members were in sympathy with the enthusiastic spirit of Governor Morrison at the tremendous strides the State was making in every line of progress. Public spirit ran high and "forward" was on every lip. But presently Mr. Maxwell of the Corporation



1923

Commission pointed out that again there was a deficit in the Treasury.

Insufficient  
receipts

Incident to the financial arrangements the time for paying certain taxes had been changed, so that while the Assembly was in session it appeared to some that the expenditures had considerably exceeded the receipts, while others contended that when the taxes should come in there would be no deficit. A great controversy arose over the condition of the State Treasury, with the effect of dampening the ardor of members who were willing even to increase appropriations. The Finance and Appropriation Committees were directed to investigate the condition of the Treasury, with authority to appoint subcommittees clothed with power to swear witnesses and punish for contempt and to employ experts without limit of cost. Auditors were brought from New York, but at the end of a long and costly examination they made a report that left the matter much in doubt. Apparently they were as much at sea as the State Treasurer himself. The general feeling was that the need for enlargement of State functions and to supply proper facilities in every branch of State activity was the object of first consequence and that there should be no failure to meet the conditions. Indeed, the requirement of continuing the appropriations was so obvious that the Assembly could not willingly make reductions. However, the Governor and Council were authorized to reduce pro rata the appropriations should the necessity arise. Later it turned out that the expenditures, outside the highway construction and permanent improvement, were considerably beyond the revenue.

### **Inland waterways**

The prospect of an inland waterway along the entire coast was developed years ago, among its particular advocates being John H. Small who for several terms represented the Pamlico District in Congress. The link from Norfolk, Va., to Beaufort was opened for commerce, and the purpose is to reach to the Cape Fear River.

The Cape Fear River below Wilmington has been so improved that 26 feet is the depth of the water, and above

Wilmington some dams have been erected with the prospect of obtaining eight feet of water to Fayetteville, but the entire project has not been completed.

In all the work of river and harbor improvement, Mr. Simmons, who has long been an active member of the Senate Committee of Commerce, has been most influential.

### **Port terminals**

The State had long suffered from discriminating railroad rates. As a remedy Governor Morrison proposed water transportation, and urged that the State should erect port terminals and establish lines of steamships. The proposition was much discussed and at the Governor's instance a measure to create a Port Commission to provide a system of terminals and water transportation upon the rivers and sounds in aid of lower rates, was submitted to the popular vote, the proposed outlay being some six millions of dollars. It was considered by some that the measure would be ineffective for the object in view, and it failed by a vote of 183,913 against it, only 126,820 being favorable.

### **The Yadkin Valley railroad**

The Cape Fear and Yadkin Railroad under an act passed in 1883 had extended its line to Wilmington and to Mount Airy. Under a decree of the United States District Court the road was sold in January, 1899, and bought by some of the officers of the Atlantic Coast Line and at their request the deed was executed to the Atlantic and Yadkin Railroad Company, incorporated a month after the sale. Then in May the Atlantic and Yadkin sold from Sanford east to the Atlantic Coast Line, and the Southern all the residue.

Eventually in 1923, the Legislature directed the Attorney General to institute actions to dissolve the illegal dismemberment. When the action on appeal reached the Supreme Court in 1924, the Court held there was no cause of action.

With regard to interior commerce it has been observed that the eight great states from Ohio westward supply



North Carolina very largely with manufactured articles, while our return to these states is very limited, our productions finding a market elsewhere.

Among the acts of the session of 1923 was one conforming the State Law to the Volstead Act of Congress, prohibiting the possession of and transportation of spirituous liquors except as authorized.

Under an act of this session the State College is to have 60 directors, three to be from each congressional district; and the Superintendent of Education at the head, a course of Americanism is to be taught in the public schools; and municipalities are authorized to establish play grounds.

#### **Constitutional amendments**

1923

Amendments to the Constitution were proposed, providing for the inviolability of the sinking fund, and in regard to exempting from taxation the homes, homesteads and notes and mortgage liens on the same.

And likewise there was to be submitted to the popular vote a proposition to provide a fund of two million dollars to be lent to veterans of the World War for the purpose of building homes.

Among other acts was one to establish a highway to the grave of Anne Carter Lee, General Lee having on his visit in 1870 expressed a wish that her body remain "in the tender care of North Carolina's Patriotic Citizens."

#### **Death of Governor Bickett**

Governor Bickett unhappily passed away on the 28th of December, 1922, greatly lamented. On the 28th of February, 1923, being the anniversary of his birthday, by a joint resolution, the General Assembly at high noon suspended business and stood silent for one minute; and then later passed a resolution that Governor Bickett had "served the State with such unusual fidelity, efficiency and ability and won and merited the love, esteem and gratitude of all whom he served"; that the Assembly, to give recognition to the

passing away of one of the State's most loyal sons and distinguished governors, does now adjourn. 1923

### **Death of Grimes**

Col. John Bryan Grimes, a son of Gen. Bryan Grimes, elected Secretary of State in 1900, and constantly reëlected, died January 11, 1923, and five days later, Governor Morrison appointed to the vacant office William Nash Everett of Richmond County, then in the Senate, who has since been reëlected as Secretary of State.

In January, 1923, A. D. Watts, appointed in May, 1921, resigned as Commissioner of Revenue, and Rufus A. Doughton, who had long been one of the most esteemed public men, and had been Lieutenant-Governor of the State, was appointed to the vacancy.

### **Statue of Washington**

During the session of 1923, the author suggested that the State should seek to have the destroyed statue of Washington duplicated, and R. O. Everett, the distinguished member from Durham, at once introduced a resolution for the appointment of a commission to examine and report on the proposition. The commission appointed was composed of R. O. Everett, R. D. W. Connor and R. W. Simpson of Gates. This commission having made a favorable report, the Assembly of 1925 passed a resolution authorizing the undertaking, and appointed Governor A. W. McLean, R. D. W. Connor, W. N. Everett, R. O. Everett and Walter Woodson to raise the funds for the restoration.

### **North Carolina Navy officers**

In 1923 Rear Admiral Anderson of Wilmington was assigned to command the European Squadron, but in the same year was transferred to the command of the Asiatic Squadron with the title of Commander-in-Chief, and the full rank of Admiral of the Navy. He found the vessels of that squadron only ordinarily efficient. Towards the end of his term of command that fleet stood the highest in all



forms of gunnery and other exercises and its morale and spirit were most excellent. In September, 1923, the most terrible earthquake in the history of the world destroyed Yokohama and the towns within thirty-five miles of that city. Anderson was in China, but without waiting for orders he immediately bought up all the food, clothing and supplies available in China and the Philippines, and dispatched a division of destroyers to carry relief, and he put the whole squadron at the service of Japan.

His services in that time of famine and suffering and human woe were perhaps the greatest ever rendered by a mortal man in the cause of humanity. For three weeks Anderson and the Navy rendered continuous service. "I am so proud of the Navy and the spirit of service, of officers and sailors which never flagged for three weeks," General McCoy, who was in charge of the Army relief activities, wrote to the Secretary of War. And the Navy Department and all praised Anderson as he deserved.

And Anderson's unparalleled service was fully appreciated by the Japanese and their government and indeed throughout the world.

On October 11, 1924, his term having expired he relinquished the command to Admiral Thomas Washington, a son of James A. Washington of Goldsboro, who had likewise had a distinguished career in the service, and had served in the West India Campaign, Philippine Campaign, and Nicaraguan Campaign, and now is Commander-in-Chief and full Admiral in the naval service. And in June, 1925, Admiral Washington rendered distinguished service on the occasion of riots against foreigners in China.

So likewise Capt. Lyman Cotten of Edgecombe County, even aside from his services during the World War, had had a distinguished career. For service in the Spanish-American War he was awarded the Spanish Campaign Medal, and the next year the Philippine Campaign Medal. He served at the Boxer Rebellion and was awarded the China Campaign Medal. In 1910 he was awarded Honorable Mention by the Naval Institute for a study on the naval strategy in the Russo-Japanese War; and then for

Captain  
Cotten

three years he was the naval attache at the American Embassy at Tokio. A year later he was awarded the Mexican Service Medal, and again the Naval Institute recognized his fine merit and awarded him a gold medal for a study on "Commerce Destroying in War." Then came his great service in the World War, when in addition to the Distinguished Service Medal he received the Victory Medal. Later he rendered fine service of particular importance as Chief of Staff to Admiral Bristol, the American High Commissioner in Turkey, and in 1922 he was again assigned to serve at Tokio. His last interesting service was accompanying the "Round the World" flyers from the Orkneys, Iceland, Greenland and Labrador to Boston. During the flight from Iceland to Greenland the Italian plane came down in a fog, but after a search of more than three days Captain Cotten found and rescued the Italians and the Italian Government offered him a particular decoration. Captain Cotten has written many naval songs and many magazine articles.

### **Prosperous conditions**

Conditions within the State continued favorable. Industries were very remunerative. The biennial census of manufacturing for the year 1923 showed that the value of the products of the 2,670 manufacturing establishments in the State aggregated \$951,000,000, being an increase of 43 per cent over the products of 1921, while the wage-earners in these establishments had risen in two years from 135,000 to 173,000, and their wages from \$94,000,000 to \$127,000,000. There had been a gratifying increase in all the various kinds of plants, especially in furniture, lumber, and cotton goods. Agriculture likewise had so improved that the farmers of North Carolina spent \$2,800,000 for fertilizers, and there were 62 manufactories of fertilizers in the State. The value of North Carolina crops increased from \$131,072,000 in 1919 to \$431,500,000 in 1925.



## CHAPTER LXXVII

### THE STATE'S INDUSTRIES

The cotton mills.—Electricity.—Duke's industries.—The cotton mill villages.—The Erwin mills.—Modern advantages.—Badin.—Roanoke Rapids.—Mount Airy.—Coöperative Associations.—Activities of the Department of Agriculture.—The farm clubs.—Soil improvement.—The high schools.—The highways.—New State works.—The system.—The great bridges.—The rapid progress.—New inlet opened.—But again closed.—Hatteras.—The women active.—They enter the professions.—Become legislators.—Office holders.—Mrs. Jerman.—Miss Fries.—The State in Congress.—Notable changes.—The railroads.—Camp Bragg.—Southern Pines.—Death of Chief Justice Clark.—Dr. D. H. Hill.—James Sprunt.—Winston-Salem.—Charlotte.—Greensboro.—Wilmington.—The Negro population.—Political movements.—The Extra Session.—Referendums.—McLean elected Governor.—The Democratic Waterloo in the presidential election.—Court changes.—Judge Connor.—Morrison's administration.

1924

When the year 1924 opened North Carolina had already made such progress as to attract wide attention. An American traveling in Holland was asked where he was from; the American being from Alabama, the comment was, "How far from North Carolina? I know about North Carolina, the land of cotton mills and good roads."

The cotton mills, indeed, have multiplied and now number 390, and while many are small, yet there are some making the largest productions in several lines. And so in some other lines of manufacturing, for in furniture and tobacco especially, North Carolina holds an enviable record. And in addition she is now taking a high stand in the matter of education.

Of the 390 cotton mills, one produces goods of the value of \$10,000,000, others of the value of eight, six and five millions: five more than four millions, seven more than three millions, and so on. Gaston County has 81 factories, with a capital of \$33,000,000; while Alamance and Cleveland each have twenty.

There are besides 131 knitting mills, the product of one being valued at \$3,000,000, that of another \$2,000,000 and so on. In the cotton, woolen and silk mills there are employed 48,609 men, 30,347 women and 4,772 children, all over fourteen years of age.

Then in other lines, there are 99 furniture factories, 27 being at High Point. Three of these have an output of more than \$3,000,000 and eight of more than \$1,000,000.

While there are but 17 tobacco factories, one of these at Winston-Salem has a capital of \$100,000,000 and gives employment to 11,176 wage-earners.

There are besides 1,735 miscellaneous factories.

### **Development of electricity**

Doubtless much is due to the introduction of electricity as power. While Fries led the way, Duke's Southern Power Company continued to multiply its dams not only in this State, but in South Carolina: and a system has been inaugurated by which there is interchange of electrical energy, that of Alabama supplying any need in Georgia, and Georgia supplying the Southern Power Company's system in North Carolina—this additional supply extending throughout North Carolina to Goldsboro.

While Duke's company has eleven plants on the Catawba River, aggregating 182,000 horsepower and is still adding to them, the Carolina Power & Light Company has 32,150 at Blewitt's Falls and at Phoenix, on the Cape Fear near Haywood, at the junction of the Haw and the Deep, it has established its chief works; with property now valued at \$27,402,000, it generates 140,900 horsepower and serves a population of 250,000. The Blue Ridge Company has 16,000 at Tuxedo in Henderson County, and at Turner; the North Carolina Electric Company, 7,880 in Madison County. And there are the Roanoke Rapids and the Fries plant near Winston, and other such developments.

Much of the electricity is used for lighting purposes, and municipal requirements; and because of dry seasons steam has sometimes to be used to maintain the needed supply. But now factories can spring up anywhere on a railroad



line, the operatives being supplied by the surrounding country—and the change is notable.

The mill  
villages

The growth of cotton manufacturing and its influence on the State are well illustrated by the record of the Erwin Mill Company. The first mill was put in operation at West Durham in 1893, ten years later, a second mill at Duke in Harnett County; these being followed by the Cooleemee in Davie County; a new mill in West Durham, and a fifth at Duke. Starting with 5,000 spindles and 200 looms, this interest now has in operation 200,000 spindles and 5,150 looms. Each mill has its village, with excellent living conditions to encourage religion and moral life among its employees. Not only are church buildings erected and assistance given to every denomination having ministers, but education is made a special subject, even grown people having been taught to read and write. The school buildings and management in each of the three villages are thoroughly modern.

Duke

Duke is an illustration: graded school, department and other stores, a bank, ice plant, water, sewerage, electric lights, lyceum buildings, social rooms, library, park and play grounds, and every improved condition, and houses of superior construction, lectures, concerts, atmosphere of religion and moral life.

West  
Durham

At West Durham the auditorium seats 1,000 people, and has swimming pool, bowling alleys, moving pictures, gymnasium, library, game rooms, etc. Under the supervision of W. A. Erwin every appliance adding to the happiness and elevation of the people of these villages is utilized and the mill communities exert a fine influence in their vicinities. Measurably the same can be said of the many other cotton factories throughout the State, especially the Cone Mills at Greensboro, the Cannon Mills, and those in Gaston and Catawba counties.

### Badin

The unique town of Badin in Stanly County is similarly notable. The Aluminum Company established reduction

works virtually in the forest near where Hambley had built his dam, the operating company being the Tallassee Power Company, which had also 72,000 horsepower at Cheoah in Graham County. Besides the Hambley improvement, in 1919 another dam 50 feet high was constructed at Yadkin Falls, about three miles below the Narrows, developing 31,000 horsepower, the total power there being 141,000 now. The plant covers 58 acres; and the town of Badin was created. The proprietors have supplied every necessity and convenience for the welfare of the inhabitants, desirable homes, church buildings, completely equipped buildings for schools, hospitals and theater. In fact Badin is an ideal creation, special attention being given to the housing, health, education, religion and social welfare of the operatives. Such are but examples of the ideal condition of many mill communities that dot the State.

1924

Ideal  
homes

At Badin plans are now in progress by which the great power developed will be utilized not merely in the production of aluminum, but to supply cotton and other factories, making Badin still more important in the history of the State, and recalling the prediction of Winterbotham's History written in 1797—that the Narrows would become one of the great manufacturing centers of the country.

### **Roanoke Rapids**

So also there has been on a smaller scale an important development at Roanoke Rapids. In 1890 Major Thomas L. Emery of Weldon formed a company and organized as "The Great Falls Water Power Company" and broke ground for manufacturing there. He was cutting his canal about a mile long for that purpose, when in 1893 John Armstrong Chaloner having formed "The United Industrial Company," bought a half interest from Emery's company, the name being then changed to the Roanoke Rapids Power Company. The Chaloner Company now erected a knit underwear factory; but early in 1894 Emery and W. S. Parker of Henderson, with some other friends, formed the Roanoke Mills Company, W. S. Parker becoming president and Dr. D. B.



Zollicoffer of Henderson, treasurer; but the next year Samuel F. Patterson became the general manager. At first the water-power company supplied only water, but in 1909 it began to deliver electric power. While the Roanoke Mills started in 1897 with 320 looms and 12,096 spindles, it now has 1,642 automatic looms and 55,008 spindles with complete dyeing and bleaching plants. The supply of electricity was 8,000 horsepower, and in 1924 there was an addition of 3,250 horsepower to the plants, many small factories being supplied.

Such was the beginning of industries at Roanoke Rapids destined to attain greater importance under the Virginia Railway and Power Company, which has control of the entire ten miles of canal.

As an illustration of present conditions, it may be stated that the Virginia Railway and Power Company, proposing to supply Norfolk with electricity, made the survey and location of the line by photography from an airplane.

### **Mount Airy**

Among other notable industries should be mentioned the great granite field of Mount Airy. Operations began there in 1890, and now the annual output is a volume of 3,480 cars. The granite is shipped north and south and west; granite for bridges—as the suspension bridge spanning the Delaware between Philadelphia and Camden; finished monuments; mausoleums; lyceums—everything desired, using all manner of stone-working machinery known to the industry, the operators sometimes being 700, working in 78 acres of open area.

Likewise, the hardwood factories at High Point have attained great proportions.

### **Agriculture**

And now a new turn has been taken that promises much for the betterment of the agriculturists—community co-operation in handling farm products, before marketing. The system provides for warehousing cotton and tobacco,

an advance on the value being made by the Coöperative Association—somewhat similar to the project three decades ago, then known as the subtreasury, except that for the Government the Coöperative Association is substituted, the banks supplying the money. 1924

The Agricultural Department has year by year extended its activities until now it has exceeded the most sanguine expectations. Whatever concerns agriculture and farm life is within its domain. Starting with experimental stations, it has brought into operation twenty cheese factories and nine creameries. It has stimulated truck throughout Eastern Carolina, the shipment of carloads of eggs, poultry, meats, as well as vegetables and other farm produce. It has introduced new practices and otherwise has promoted endeavors in every line that promises an advantage to agriculture. Boys' clubs, woman's clubs, home improvement, home industries, have brought new life to every hamlet and small community, along with the vitalizing influences of general education. There has been coöperation between the club girls and club boys in some of the counties. In 1924, camps were held in 25 counties, and the girls who had done well in the prescribed courses of canning, sewing, poultry and cooking, went into camp, and similarly the boys who had been most successful in raising pigs and poultry. There were encampments from Buncombe to Brunswick and Beaufort. On the farms

The benefit of the Department's activities to the social improvement of the communities has been pronounced, while the notable increase in the value of farm products, its experimental farms, tests and soil improvement have been satisfactory and beneficial. Among the counties thought to be most improved are those from the South Carolina line to Alleghany; while at the east the truck interests have made gardens of formerly poor land, and the fruit of the Cape Fear region is now a great industry.

### Schools

The school system of the State has been much improved. While the term was lengthened the schools were consolidated



and a higher standard required. There are now 124 high schools in the cities and 552 rural high schools, with a total enrollment of 59,160: and the graduates in 1924 numbered 6,900. In addition there were 54 private high schools with an enrollment of 5,557, employing 431 teachers and reporting 1,107 graduates in 1924.

The expenditures for the public schools were in 1924, \$19,078,656, of which \$16,174,721 was paid in salaries to the teachers, and \$2,384,579 for maintenance, and \$519,365 was for administration. The permanent improvement of buildings was in addition to the above. With such a showing the demand for additional facilities at the universities and colleges is apparent.

The course of instruction has each year been enlarged, and at the schools all the new methods of developing children are in vogue.

In 1919 the Legislature provided for a commission of five members to be appointed by the Superintendent of Public Instruction to report to the Superintendent a list of approved text books for the high schools, the county authorities to select from such as are approved by the Superintendent.

Then in 1921, the Legislature provided for a commission to prepare an outline course of study for the elementary schools.

The summer schools, started years ago by the teachers as a means of improvement, have grown so greatly as to attest a remarkable purpose to attain excellence. At the University more than 2,200 were registered for 1925: and at the respective colleges the registrations approached a thousand; the other schools are in line.

### **Good roads**

As important as the many factories, products of agriculture and advanced education have been without doubt the greatest change in the life of the people has been in the achievement of good roads. In 1915, a State Highway Commission was appointed, but with no other function than

advisory. Two years later the funds collected from automobile licenses were appropriated for the Commission, then after two years, these license fees were increased, and now the State could avail itself of the Federal Road Act: one-half of the cost paid by Federal aid, a fourth by the State, a fourth by the particular county. Under this plan there were completed 200 miles of improved highways and 650 miles were placed in contract, but these roads belonged to the counties, and the State Commission had no duty in regard to them when completed.

Then on the incoming of Morrison's administration the great change was made; a State system was inaugurated, and the counties were relieved of the maintenance of the roads. The plan called for 5,500 miles of highways running to every county seat and principal town. The Legislature authorized an issue of \$50,000,000 in bonds for the purpose. The State was divided into nine districts with a commissioner for each district and Frank Page as the Chairman.

State  
roads

Now it was State work from first to last, the entire system being permanently under the State management. Fortunately the organization was most admirable, and Charles M. Upham who had just finished the highways in Delaware, of known efficiency, was secured as the engineer and brought many of his trained force along with him. With the utmost care, diligence and intelligence, the work begun slowly at first, eventually attained full proportions. As it proceeded it gave employment to many, and started the great business of supplying the needs of construction. A large stream of money flowed, which had a very beneficial effect on the financial condition in the State. There were approximately fifty thousand miles of roadways in the State, of which about one-tenth was to come under the authority of the State Commission. By September, 1922, the total work completed, 684 miles, cost \$9,975,027, and there were under construction twice that mileage to cost \$21,317,534; and contracts up to \$21,000,000 were still to be let.

The Commission turned out about 100 miles of completed paving in a month, and a longer mileage of other types of roads. The average cost per mile of all types of



1924

paving in 1921 was \$40,000, but that was later reduced to \$28,000.

The north and south highways carry a tremendous burden of traffic throughout the year, while the two trunk lines from east to west almost completely paved some 500 miles, in the summer swarm with automobiles, and their lateral branches are alive. The State has been unified and all the parts brought close together. The construction of bridges has been a notable feature of the work. That over the Roanoke at Edwards Ferry was a great undertaking. Williamston and Windsor, the county seats of adjoining counties, were effectually separated; to travel between them a motor car had to go to Weldon, 120 miles; now only ten miles, for the bridge at Winton eliminated the distance. To construct a bridge near Edenton the Legislature of 1925 appropriated \$600,000, and that to be erected at Wilmington will be one of the great bridges of the world, costing \$1,250,000.

The effect of these improvements is most happy, especially in the Albemarle and in the mountain districts. By June, 1924, 240 projects were completed and were being maintained by the Commission, and over 200 more in progress. For the maintenance of those completed there were 300 gangs of hands employed, and 1,200 men to keep them in order; and by May, 1925, 2,777 miles of hard-surface roads were completed, at a cost of \$52,000,000 and 992 were under construction that will cost \$16,000,000.

### **The fisheries**

At the instance of Governor Morrison the Legislature provided for a Fisheries Commission, appropriating \$500,000 for its purposes. The Commission established five fresh water hatcheries for trout and bass; one at Fayetteville and the others at Marion, Waynesville, Boone and Roaring Gap.

Nor have the endeavors for betterment been confined to the land.

The inlets to Albemarle Sound have ever been subject to change. Commerce at the time of the Revolution and since

has been through Ocracoke Inlet. Attention was called to the desirability of a new inlet early after the Revolution, and in 1788 a company was formed at Edenton to cut "the Raleigh Inlet." In 1795, it is said, Roanoke Inlet, then at Nags Head, closed, but in 1825 there was a new inlet some fifteen miles further south. In 1846 the Oregon Inlet was opened in a storm nearer Nags Head. The inlets had a notable effect on the fisheries. In 1855, the United States undertook to reopen an inlet for commercial purposes, but after some work had been begun, Lieutenant Whiting of the United States Engineers advised against it, saying that the canals to Norfolk afforded avenues for commerce. In 1876 New Inlet having been long closed, broke out again, but at length in 1922 it was definitely closed, and the Fisheries Commission being authorized to have an inlet opened with the hope of benefiting the fisheries, Brent S. Drane, who was at the head of the Department of Geological and Economic Survey, undertook the task of reopening New Inlet.

All obtainable records of the modification of New Inlet and the three other inlets nearest it were compiled, some of them 80 years old. Every element of the problem was duly investigated with the most careful intelligence. Three months were devoted to preparing the approach; a hydraulic dredge 160 feet long sucked up the sand, and every precaution was taken; and at length a canal was cut through the banks half a mile long, 225 feet wide and six feet deep, until the last 200 feet, which was nine feet deep.

On October 7, 1924, the work was substantially accomplished. It was apparently a perfect success. Nothing had been left undone to secure a permanent inlet. Concrete dredges were sunk as jetties to deflect the sand drift of the strong current to the southward. Now there was great acclaim and rejoicing. The achievement was hailed with great public satisfaction as promising a substantial benefit to the fisheries; but six months later a tremendous storm raged along the coast and the inlet disappeared.



**The banks at Hatteras**

At Hatteras there are four postoffices—four little communities. At the point is the lighthouse and a radio compass station, covering the waste of waters beyond Diamond Shoals, and also of benefit to any vessel in the sounds.

As the Wright brothers had first essayed aerial perils at Kill Devil Hill in 1903, so Marconi early tried out his radio at Hatteras.

Near the lighthouse which towers nearly two hundred feet above sea level, and is seen at night some 20 miles away, is the Marconi Station, manned by boys trained by the Navy, whose messages direct vessels how to avoid danger, and its signals can be heard in the Philippines; and they average 500 calls a month from vessels equipped with a radio. Then fifteen miles at sea is anchored a light ship, while the coast guard are always on duty.

Then at Cape Lookout the Government has by engineering skill largely added to the security of that harbor of refuge which was utilized even by the Spaniards in their invasions of 1748.

**The women enter in activities**

In former generations women's activities were measurably limited to teaching; but incident perhaps to the general effects of the War Between the States, women gradually sought employment as clerks and typists and in similar occupations.

In many localities Woman's Clubs had been formed which exerted an admirable influence in social life, promoted an acquaintance with literature and otherwise advanced culture and interest in community affairs. And these clubs confederated; and also there are conferences of the professional women, doctors, lawyers, nurses and the like.

The first woman to be mayor of a town was Mrs. James Cowan who, in 1924, on the death of her husband, the Mayor of Wilmington, succeeded him in office.

Miss Carrie L. Broughton had for years been the Assistant Librarian of the State and on the death of the Librarian, Capt. Miles O. Sherrill, became Librarian. 1925

In 1909 the Library Commission was established and Miss Minnie Leatherman became the secretary and active manager; and later Mary B. Palmer became director of the enlarged work.

In 1917 the Assembly supplanted the old Board of Public Charities, of which Miss Daisy Denson was the secretary, and created the State Board of Charities and Public Welfare, and Mrs. Kate Burr Johnson was chosen Commissioner, and other ladies were likewise employed in that interesting service. Naturally when women were enfranchised some entered professional and public life.

Indeed, already women had entered the legal fraternity, the first being Miss Julia Alexander of Charlotte in 1914; then the next year Mrs. Margaret K. Berry of Orange, followed by Miss Lillian Exum Clement of Asheville in 1916, then in 1920 Mrs. Louis Brevard Alexander of Greensboro, followed by others.

Miss Clement was the first woman to be elected a member of the General Assembly and become a maker of laws. She attended the session of 1921, and then married, so that at the special session of that year she appeared under the name of Mrs. Stafford. Her husband was the circulation manager of the Asheville *Citizen*, and she declined a re-election. Unhappily she died in February, 1925.

The second female legislator was Miss Julia Alexander, the first woman licensed to practice law. Miss Alexander is a daughter of Sydenham B. Alexander, who was a representative in Congress in 1891-95, and stood high in the confidence and esteem of the people of the entire State. He was the originator of the fine macadam roads of Mecklenburg that proved an example for other counties to follow.

Miss Alexander is of the family of the former Governor Alexander, and has enjoyed unusual advantages in culture and education, and is imbued with the spirit of patriotism



that characterized her forefathers. She was elected to the House in 1924 and served admirably at the session of 1925.

**Mrs. Johnson**

1924

The  
Charities

While North Carolina has made such notable advances in other lines, we have not been neglectful of duties to the unfortunates. The Constitution of 1868 enjoined the creation of a Board of Charities; nearly fifty years later that gave place to the Board of Charities and Public Welfare with enlarged duties and powers, the object being to ameliorate the condition of the insane, the feeble-minded, the poor, the crippled, the orphans, the criminal and the delinquent.

Any county can have a County Superintendent of Public Welfare, and in those having 32,000 population, it is mandatory. The whole system is under the State Board. Fifty-five counties now have local superintendents, although 26 of these are of voluntary adoption. Among the many duties enjoined is to care for orphan children in their homes, called Mothers' Aid. This particular feature is of very recent creation but it is so in accord with the prevailing sentiment that now only five states have not fallen into line. In these cases, the counties give half the aid. Fifty-six counties contribute, and so far about 1,000 children are cared for along with 250 mothers.

Mrs. Kate Burr Johnson, the first woman in the United States to be the commissioner of public welfare for a state, was appointed July 1, 1921. This is the highest administrative office in the State government that a woman has ever held.

The North Carolina system is considered one of the most effective plans of its kind. During her efficient administration, Mrs. Johnson has expanded the work of the Board until it has attracted attention in other states, and she has established for herself a wide reputation for efficiency.

Mrs. Johnson's personal characteristics and methods have won for her the highest respect and confidence. For some time she had been prominent in the activities of women in the State, especially those of the North Carolina Federa-





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1. Clarence Poe
3. Mrs. Kate Burr Johnson
5. Miss Harriet M. Berry

2. Mrs. Charles McKimmon
4. Miss Adelaide L. Fries
6. Mrs. Palmer Jerman





tion of Woman's Clubs of which she was at one time president: and the women of the State are in entire and hearty sympathy with her.

### **Mrs. McKimmon**

Home demonstration work which has enriched the lives of many thousand families has from its inception been in charge of Mrs. Charles McKimmon. Dr. Knapp of the Department of Agriculture first gave the idea in 1903, and in 1910 clubs of girls were formed in South Carolina to plant and can tomatoes. The next year Mississippi, Virginia, Tennessee and North Carolina followed the example. Mrs. McKimmon had for some years been working with Farmers' Institutes, and was the director of the Women's Institutes, and lectured on home economic subjects. In 1911 she was asked to organize canning clubs for girls, there being already boys' clubs. Such was the beginning of this work which has been of so much advantage to the people of the State. Later other states followed the lead of North Carolina.

Farm  
life

Today Mrs. McKimmon's work in that field antedates that of any other living person. At first she was alone and could organize in only fourteen counties, but now she has fifty-two counties, each with whole-time county agents, four district agents and an assistant State agent. There are five negro agents among the colored people. From canning, poultry and dairy work instruction has advanced to every detail of home life, elevating life in all particulars, and making homes comfortable and beautiful. There are now 13,999 women in woman's clubs, and 15,248 girls in their clubs, and 155 community clubs with 7,279 members, a grand total of 38,418 members in Mrs. McKimmon's organizations. She has been one of the greatest benefactors of the State.

### **Mrs. Bickett**

As Governor Bickett left an indelible impress on the life of the people, so has Mrs. Bickett rendered a lasting service



in similar lines. A daughter of Col. William H. Yarborough, she naturally grew up in a patriotic atmosphere, becoming a Colonial Dame, a Daughter of the Revolution, a Daughter of the Confederacy, and an "American Legion Auxiliary." At the time of the World War she was active in all war work, not merely in the State, but going to France for war work council. Indeed, by counsel and example she aided much in the great endeavors that so gloriously illustrated the devoted patriotism of our people. Her services have been constant, and particularly useful since women entered into the broader life. Besides much other public service she has been a member of the Advisory Board of the League of Women Voters, one of the steering committee of 100 on prison investigation, a member of the board of Stonewall Jackson Training School, Chairman of Trustees of the Industrial School for Negro Girls, Chief of the Bureau of Maternity and Infancy, State Board of Health, and Superintendent of Public Welfare for Wake County. The influence of her example has had a marked effect throughout the State.

#### **Mrs. Jerman**

Even before 1897, when the first movement was made in this State for Woman's Suffrage, Mrs. Palmer Jerman was enlisted in the cause of Woman's Rights, and as time passed she became an outstanding figure for equal suffrage. She felt that as the homes, happiness and well-being of every class are bound up with politics, women should have their share in the privileges and duties of citizenship, and for two decades she was an acknowledged leader of the forlorn hope. Aside from that, she was ever active in the work of woman's clubs for social betterment.

As president of the State Federation of Woman's Clubs, she was in touch with the club women in rural communities as well as in the towns, and through this contact, with her native abilities and engaging characteristics, she became the dominant influence in woman's activities. As president of the Legislative Council she urged woman's views as to

those measures that directly influence their homes and are of interest to their children and society.

When the Democratic Convention of 1924 met the status of the women was fully recognized and Mrs. Jerman and three other women were elected delegates at large to the National Convention in accord with the desires of the women of the State, she being by far the most important, influential and interesting of her associates in the State.

### Miss Fries

In a different role from the women who have become 1924 prominent for their public activities, Miss Adelaide Fries has achieved a famous success in literary performance.

Born to an inheritance of unusual endeavor, and bred in an atmosphere of peculiar excellence and exaltation, the stream of her life has flowed in channels of uncommon interest. While she was early concerned in the work of the woman's clubs, duties have drawn her more particularly into other fields. She has long been president of the Alumnæ Association of Salem College, and chairman of the scholarship committee, and likewise president of the Woman's Missionary Society, being in correspondence with the corps of missionaries in South Africa; and these and similar duties engage her as appealing to her devoted attachment to the Moravian Church. Her great work, however, has been in the literary field. For years she has been translating the manuscript daily records of the Moravian Church at Salem, beginning with the location at Bethabara of seven of the Brethren, thus making available as sources of information these very valuable contemporaneous records, overflowing with human interest and illuminating in part the story of life in the State. One volume has been published, another is in the press, and a third is ready. In this valuable literary work Miss Fries, while standing almost alone, by far excels the few who have made contributions to our State literature.

In appreciation of the meritorious work Miss Fries has accomplished with so much ability, the North Carolina Historical Society of which she is a member elected her the



president of the Society; and on that occasion she delivered a notable address which in itself is an interesting and valuable contribution.

### **In Congress**

In recent years North Carolina has been fortunate in retaining for long terms both the Senators and most of her Representatives, John H. Small, E. W. Pou, Claude Kitchin, E. T. Webb, Robert N. Page, Charles M. Stedman. Robert L. Doughton and others not so long. The members by their continued service and ability became very useful and exerted a strong influence in the House.

Claude  
Kitchin

Mr. Small was particularly distinguished for his long and persistent efforts to secure internal waterways. Mr. Pou has rendered admirable service on the Committee on Rules, controlling measurably the consideration of measures by the House. Mr. Kitchin became the floor leader of the House when the Democrats were in control and as such had great power, and was indeed of invaluable service to the country and to President Wilson, especially in connection with his war measures. Mr. Webb took such rank that he was appointed United States Judge for the Western District. Mr. Page was in charge of the matters concerning the City of Washington and his admirable service was highly appreciated by the people of the city. Major Stedman, the sole Representative in Congress who had followed Lee and Jackson, has been particularly venerated and esteemed in Congress even by his political adversaries. Mr. Doughton from the mountains has exerted a most salutary influence especially in matters relating to agriculture. In the Senate, Lee S. Overman, originally elected in 1902 by the Assembly, was, on the change in the Constitution, the first Senator elected by the popular vote of the State in 1914. One of his first successful efforts was to secure an appropriation for commercial agents. He was largely instrumental in securing the enormous appropriations for carrying on the war which amounted in all to more than a score of billions of dollars. As a member of the Committee on the Revision

Senator  
Overman

of Laws he succeeded in having repealed some twenty-three 1924 acts known as the Reconstruction Acts of Civil War Days, which were so annoying to the South.

Senator Overman as chairman of the Committee on Rules, acting chairman of the Judiciary Committee, ranking member of the Appropriations Committee, was active and instrumental in the passage of all of the constructive legislation during the Wilson administrations.

During Senator Simmons's service of 24 years in the Senate he has constantly grown in influence and importance until no other Senator from this State has ever approached him in gratifying achievement. Simmons  
Senator

In particular his efforts have been for a just distribution of the burdens of government, customs duties and internal revenue taxation; for inland waterways transportation; to place agricultural industries on a parity with other industries; to benefit life on the farm; for the expansion of our commerce and mercantile interest and the extension of our foreign markets for the advantage of all the industries of our country. In each of these purposes he has won victory after victory in the Senate Chamber. When war broke out in Europe no Senator surpassed him in usefulness to the administration, and in pressing the great measures necessary for the honor and glory of our country.

The Simmons Revenue Act of 1918 was cast to produce eight billions. In 1919 the Republicans gained control of the Senate but his influence was still manifest. Later the National Budget was largely his handiwork.

In 1921 his efforts to amend the proposed tariff bills were successful as to many items and led to a notable revival of the strength of his party at the succeeding election, while in 1924 he achieved one of the most remarkable victories in the history of legislation by the substitution of his plan of tax reduction for that proposed by the administration, both houses of Congress being largely Republican. The Simmons substitute was preferred as being the more equitable and beneficial in its operations.



**In other fields**

And at this period the State had every reason to feel proud of the usefulness of her sons. Alderman, Moore and Smith, the presidents of great educational institutions in Virginia; Dodd at the University of Chicago, and Alphonso Smith at the Naval Academy were but examples of North Carolinians employed abroad.

**Notable changes**

The introduction of the motor vehicle along with hard-surface roads has resulted in establishing bus lines for passengers and in a measure for freight throughout the State—so that the railroad patronage has been considerably lessened. Busses run every few hours between the towns from Morehead to Asheville.

The civic clubs and associations have entered on broader activities, among them the Masons, their branch, the Shriners; Odd Fellows, the Rotarians, Kiwanis, Civitans, Lions, the Junior Order, Red Men, Woodmen of the World, etc., who take part in the social and business life of their communities, much to the advantage of their localities and of the State.

And now, the life and other insurance in the State aggregated nearly a billion dollars, a speaking evidence of the advance in social conditions.

**The railroads**

By the sale of the State's interest in the Wilmington and Weldon and the Manchester railroads, and by the lease of the North Carolina Railroad Company for ninety-nine years, the State divested itself of the control of its most important means of transportation. Then the Seaboard Air Line was established, obtaining possession of the Wilmington and Charlotte and Rutherfordton Road, and later the Southern and the Atlantic Coast Line Railroad opened a line from Tarboro to Norfolk; and Governor Aycock leased the Atlantic and North Carolina Railroad to the

Howland Company for ninety-nine years, and it soon became a part of the Norfolk and Southern Railroad system. This company then threw out feeders all through the coastal region to New Bern and Kinston, and later passing beyond Raleigh, continued through the central counties to Charlotte. All these systems led from the State to Norfolk, cutting Wilmington completely out from North Carolina territory, and bringing interior North Carolina into close communication with Norfolk. Later the Clinchfield Road was built and the Southbound, and while the latter is controlled by the Coast Line and Southern, the Clinchfield has been leased by the Coast Line and Louisville and Nashville. North Carolina has lost her opportunities to build up her seaports.

Two other incidents are to be noted. On April 13, the East Carolina Exposition was opened at Smithfield, in Johnston County, under the direction of the East Carolina Chamber of Commerce. About twenty thousand persons attended the ceremonies. The exhibits were admirable; the addresses and festivities were remarkable, among the latter being "School Day," a pageant representing Eastern Carolina yesterday and today, in which there were some five hundred participants.

East  
Carolina  
1925

On June 7, there was held at Wilson the greatest Confederate Reunion that had for many years been held in the State. It was attended by almost 700 Confederate veterans and others; and the interest manifested well attests the attitude of the people toward those who fought in that war.

The  
Confederates

### **Camp Bragg**

The United States Government having determined to establish a military post of considerable extent near Fayetteville, took steps to acquire for an army reservation about 120,000 acres of land between Little River and Rockfish Creek. East and west the long tract runs about 25 miles, while it is over seven miles wide. Work was begun there in 1918, and on the return of the army from France, several of the Regular Army regiments and batteries—some that had continuous organization since their formation more than a century earlier—were stationed there.



One of the objects in view is to train recruits in military service, and so at Camp Bragg are schools in every branch of the service—air service, signal, ordnance, engineering, etc., and besides there are other schools that fit the recruits for life work after leaving the Army. Annually some five thousand members of the National Guard and of the Reserve Corps attend at Camp Bragg for instruction.

There being no particular use for Fort Macon, the Government, in 1924, turned over that site to the State.

Southern  
Pines

About 1890 John T. Patrick of Anson County started a movement that has led to a very interesting development of the sandhill region that borders the coastal plain in Moore and the adjacent counties. The town of Southern Pines was laid out and the salubrity of that section attracted settlers, who engaged in the cultivation of fruits and vegetables. In this work Henry F. Page and Leonard Tuft, a Boston capitalist, became coadjutors; and in time Pinehurst likewise was established as a health resort, with a reputation that is unequaled for health and pleasure.

Pinehurst

### **Death of Judge Clark**

Chief Justice Walter Clark died on the 19th of May, 1924. He had had a remarkable career. On the breaking out of the war in 1861, at the age of fifteen years, he was drill master in Camp Mangum, and went to the field of battle in Virginia. In 1864 at the age of 18 he became Lieutenant Colonel of the Junior Reserves. At 39 he entered on a judicial career. At 43 he became a Justice of the Supreme Court, and then, after fourteen years service, Chief Justice, and he was Chief Justice 21 years—a longer service than any other chief justice. He had literary talent; was an author, and a prolific writer, rendered the State a great service by compiling fourteen volumes of the State Records, and preparing five volumes of the Regimental Histories. In his judicial career, in a measure, he treated the law as Coke thought of the Common Law—that it was like the bark of a tree, and should fit new conditions as the bark fits the trunk. In some cases he did not agree with the more con-

servative members of the Court, but he and his associates ever upheld its fine traditions. North Carolinians can proudly say, as their fathers said, that no scandal had ever reached the judiciary of the State. Our judiciary has ever maintained its character of singular purity and unalloyed integrity.

#### **Death of Hill**

On July 21, 1924, Dr. Daniel Harvey Hill died. He was a scholar and had been president of the State College and was at the head of the State Historical Commission. He had some years before his death devoted himself to the preparation of a history of the North Carolina troops during the War Between the States, which was not entirely finished when he died. He had earlier published a volume about the troops in the war. He was gifted as a writer and was admirable in every way, and his death was greatly lamented.

#### **Death of James Sprunt**

On July 9, 1924, James Sprunt died at Wilmington, beloved as the first citizen of the town. While still a youth he became the purser of a blockade runner under the famous naval officer Capt. John N. Maffitt, and underwent many perilous experiences. After peace, with his father he engaged in foreign commerce, establishing connections in several of the countries in Europe, and his firm becoming the greatest ever in this State and attaining a worldwide rank.

Unusually gifted, combining intelligence and culture with rare business capacity and the qualities that are most esteemed in daily life, he became one of the first citizens of the State, and was remarkable not merely for his liberal donations to religious and charitable objects, but as a promoter of literary endeavors, and for his accomplishments in the field of literature, his *Chronicles of the Cape Fear* being one of the most interesting local publications of the United States, and his *Derelicts* of particular merit.



While his passing away was a great sorrow to his community, it was likewise deeply deplored throughout the State.

### **Winston-Salem**

The Moravians who under Bishop Fries had started Salem in 1766 had ever prospered. They established every necessary industry, and the community was not only self-sufficient but could spare to others their surplus wares, so that they were very useful in various branches of manufacture to the other inhabitants of that section. In 1797 they even had a paper mill. At the west linen and woolen goods were at first made rather than cotton. The first cotton mill at Salem was erected in 1837 by Francis Fries for the Salem Cotton Manufacturing Company, and he likewise erected a wool mill in 1840. Later other mills were erected. A little village called Winston sprang up outside of the Moravian town, and the manufacture of tobacco then began there.

In 1872 the Hanes brothers built a factory there 40x60 feet; there being no railroad the trade was by wagons; and presently R. J. Reynolds likewise began a little tobacco factory. In 1873 the two villages were united under the name of Winston-Salem. The growth of the community has been phenomenal for a settled country.

The business vision and enterprise of the Moravians led a Fries to bring about the State Exposition in 1884, and then another Fries in 1898 transformed a distant water-power into electricity to supply the great factories of the city. The population of Winston-Salem is now 60,000. It is the world's largest manufacturer of tobacco products, leads in the manufacture of knit goods, ranks third as a furniture center, and is important in other commodities. In 1919, its 93 establishments with a capital of \$93,000,000 employed 12,366 wage-earners and their products were valued at \$200,000,000. Its industries have drawn their operatives from the farms of the country, there not being as many as 300 foreign-born people in the entire county.

Similarly Charlotte and Greensboro have each become great centers, with wide business ramifications, and enjoying prosperity, and Asheville's growth has been remarkable, its situation giving it a most desirable reputation, and attracting residents of culture and affluence, while Durham and other manufacturing towns continue their gratifying progress.

Other  
centers

Wilmington, whose location offered a hope of its becoming a very important seaport, has lost some of its advantages by the diversion of trade through discriminating freight rates. Still it maintains a foreign commerce in cotton, naval stores and other exports, and in the importation of nitrates, molasses and salt; and also it has a good coastwise trade. Its local industries, among other manufactories, include six fertilizer factories, with a product of over two million dollars. It has a large jobbing trade; and its banks with a capital of \$1,515,000 have deposits of \$20,023,000 and resources of \$26,506,000.

Wilmington

Much is expected from its advantageous location in regard to future commerce to the southward, and as an entrepot and shipping point of the northwest.

### **The negro population**

The negro population has shared in the general advancement of the inhabitants of the State. Facilities for training in every vocation in life have been opened to them, and there are negro preachers, teachers, lawyers, doctors, nurses, business men and farmers. Many are prosperous landowners. Notwithstanding the inducement attracting them to other states, they have increased in North Carolina.

Mr. Lincoln thought it doubtful whether they could remain as freemen in this country, and he strongly urged their colonization, even suggesting that Congress should allow him to buy land elsewhere to locate them, and when in consequence of his proclamation of September, 1862, declaring his purpose to emancipate those in the seceded states Northern labor objected that the freed negroes might come

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North, he asked "Cannot the North decide for itself whether it will receive them?"

1924

But notwithstanding all doubts the two races have adjusted themselves to the situation and in North Carolina each is living happily and contentedly together. Yet it is to be remarked that the negroes of North Carolina have for generations generally been in advance of their race elsewhere, a result of their closer contact with the whites and of the general attitude of the two races to each other. It is recognized that their presence has had a deterrent effect on immigration from abroad, such as was fostered by the great transportation lines that have filled the Northern and Northwestern States with a foreign element, and similarly Northern labor avoids the South, so that North Carolina is largely the home of North Carolinians.

### **The political campaign**

President Harding, dying during his term, was succeeded by Vice-President Calvin Coolidge, whose course in life had established him high in the respect of the people, so that when the election of 1924 was approaching there was but little antagonism to him except that based on strict partyism.

At the Democratic State Primary Angus Wilton McLean of Robeson County was nominated for Governor over J. W. Bailey. His opponent was I. M. Meekins who likewise had an enviable record as a public man and citizen, and was at that time the adviser of the Custodian of Enemy's Property under the act of Congress, an employment of very high consideration. In addition to his attainments Mr. Meekins was admired for his fine oratory in which he excelled. The campaign in the State developed much interest, but passed off without any remarkable incidents.

When the Democratic Convention met in New York Mr. McAdoo's friends were strongly opposed by those of Governor Smith of New York; while Senator Underwood was likewise voted for. Two of the divergent lines of thought were in regard to the Ku Klux who were antagonistic to

the Catholics and advocated "one hundred per cent Americanism"; and as to the modification of the Prohibition Act of Congress. There was much heat evolved. The contest lasted a week. Finally the Convention nominated John W. Davis, who had recently located in New York but was originally of West Virginia, a man of fine qualities and excellent character.

### The extra session

In August, 1924, an extra session of the Assembly was held at which amendments to the Constitution were passed to be submitted at the November election: one, to provide for the inviolability of the sinking fund—that no part of the sinking fund shall be used for any other purpose than to retire the bonds for which the fund was created—and at the same election another amendment was voted on—that the State debt should never exceed seven and one-half per cent of the assessed value of taxable property.

August  
1924

There was likewise a popular vote on referendums to provide for a loan of \$2,000,000 to the veterans of the World War, and upon the proposition to establish port terminals; and there was an election for United States Senator, A. A. Whitener opposing Senator Simmons. The Democratic majority was substantially a hundred thousand; while the loan proposition was agreed to, that to establish port terminals was defeated by over 50,000.

In the National election the friends of Governor Smith of New York did not zealously support Mr. Davis; nor did some of Mr. McAdoo's adherents; while the Ku Klux vote was perhaps influenced in the Northern States against the Democratic nominee. The result was a Waterloo defeat, Coolidge 15,745,030, Lafollette, a Progressive Republican, 4,667,302, and Davis 8,760,557, which includes his large vote in the Southern States. The divergence between the North and the Democratic party is observable.

The  
Presidential  
election



**Court changes**

Justice George Brown having retired from the Supreme Court, Heriot Clarkson was, on May 26, 1923, appointed to the vacancy.

Chief Justice Walter Clark dying, Justice W. A. Hoke was appointed Chief Justice; and to fill the vacancy on the bench, George Whitfield Connor, who had served so acceptably in the Superior Court, was appointed.

These appointees were all elected at the polls in November, 1924, but soon after that election Chief Justice Hoke resigned and Justice W. P. Stacy was appointed Chief Justice; and Governor McLean appointed Lycurgus R. Varser to the vacancy on the bench.

The increasing work of the Supreme Court has attained such notable proportions as to make the duties very onerous.

Federal  
Courts In the Federal Courts changes have likewise occurred. In 1919 the business of the Federal Court in the Western District had largely increased and, Judge Boyd's health not being good, under a special provision E. Yates Webb, who had served in Congress from the Mecklenburg District with great acceptability, was appointed an additional judge of the district.

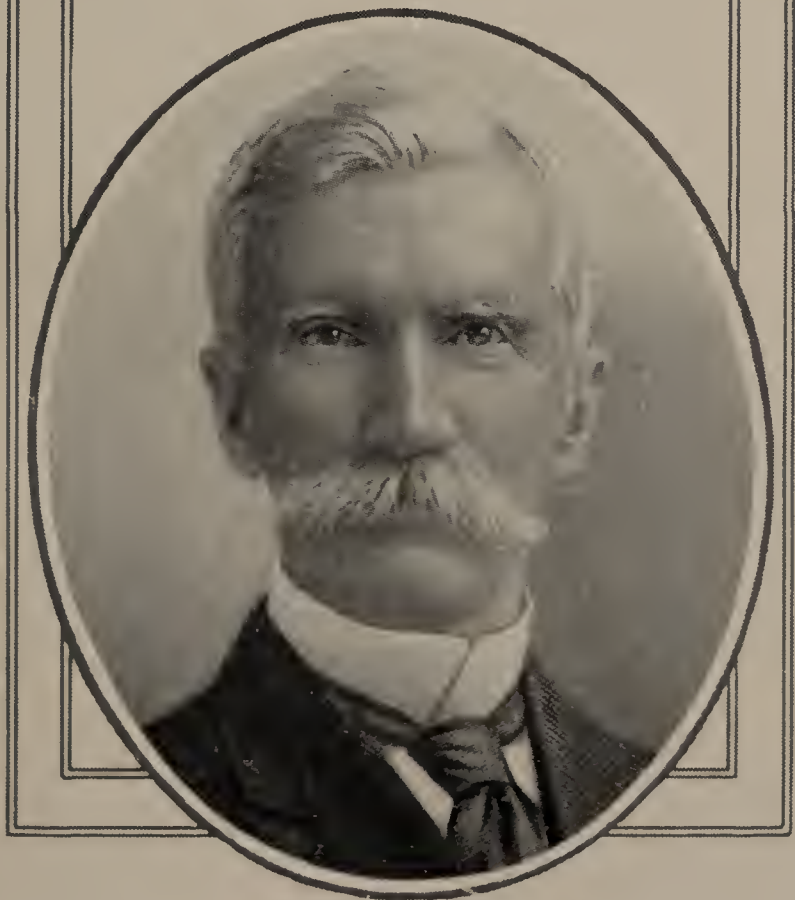
The Volstead Act to enforce the prohibition constitutional amendment augmented the business of that district as in the Eastern District and in nearly every other district of the Union.

Judge Connor, however, was able to meet the conditions in the Eastern District until toward the fall of 1924, when he became ill. In September Judge Wood of South Carolina held a term of court at Raleigh, and Judge Groner of the Eastern District of Virginia held one at Elizabeth City. Judge Connor unhappily died on November 24, 1924. In December Judge Groner again held court at Raleigh, and in February Judge Rose of Maryland held a special term at Wilmington.

Isaac M. Meekins was appointed by the President to succeed Judge Connor. Judge Meekins was born in 1875 in Tyrrell County, his forefathers having from very early times



1



2

1. Henry Groves Connor
2. James Sprunt





been resident in the Albemarle region. The oath was administered to him by his personal friend, Chief Justice Taft, at Washington City on February 2, 1925, and he opened the United States District Court at Raleigh on March 2, 1925.

During the year more than 1,000 cases were disposed of in the district; of these 701 were criminal cases, many being under the Volstead Act; 137 cases at law, 60 equity, 25 admiralty and 125 bankruptcy. The fines collected amounted to more than \$50,000, and the judgments in cases in which the United States was a party ran to \$314,000. With the opening of the new year an effort was made because of the great increase of business to divide the State into three districts, but it was abandoned.

### Death of Judge Connor

The death of no other citizen of this generation has been so widely and truly lamented as that of Judge Connor. He had the confidence, esteem and regard of the people more thoroughly than any other person. One of the effects of his being the Judge of the Eastern District has been to bring the Federal Court closer to the people than ever before, as a part of the judicature established for the enforcement of their laws and for the protection of their rights.

November  
1924

On January 27, in unison with the prevailing feelings throughout the State, and profoundly moved by Judge Connor's death, the Legislature passed an act to provide for a suitable memorial to him:

"Whereas, the late Honorable Henry Groves Connor rendered distinguished service to the State of North Carolina and the nation as a citizen, author, jurist and statesman, and

"Whereas, the State of North Carolina desires to commemorate his distinguished service in a suitable manner: Now, therefore, the General Assembly do enact:

"That a committee of the General Assembly be authorized and directed to secure a suitable location for and place thereon a proper memorial:

"That the General Assembly do adjourn in honor of and out of respect to his memory."



**Morrison's administration**

It was Governor Morrison's happy fortune to be at the helm of State affairs at a period when the shackles that had bound the people had been severed; when poverty had given place to gratifying prosperity; when the resources of the banks were \$474,000,000; when the value of manufactured products was \$781,000,000; that of the principal agricultural products had increased to \$430,000,000, and incomes were far beyond the dream of the previous generation. Weakness had given place to strength. The future now seemed assured. While formerly the addition of one million dollars to the bonded debt caused hesitancy, now Governor Morrison boldly insisted on fifty millions for highways; and the State was besides committed to twenty millions for permanent improvement of the institutions. Higher education for the thousands, the welfare of the unfortunate, the enlargement of all activities were in the air. Governor Morrison brooked no opposition and put the State at work constructing highways, with results never dreamed of before; aided by automobiles turning a new leaf in the story of the people's life.

While the improvement in every direction had been wonderful, the highways were the most notable achievements of all.

In addition there is a particular observation to be made of Governor Morrison's administration. He insisted that the State should do its duty to both races of our population, and when in 1923, a new town having risen at a railroad station, occupied mostly by newcomers, in Mitchell County where there had virtually been no negro population, there being a resolve to drive out the few negroes that had come, the Governor sent his Adjutant General there and put a stop to it; and while at the South, as at the North, human nature sometimes has led mobs to disregard the law, yet

during Governor Morrison's term of office there was no other manifestation of such lawlessness in the State.

He, however, suffered some disappointments: first, in the failure to obtain approval for the establishment of port terminals; and then in regard to the revenues being insufficient to meet the appropriations. There appeared to be a deficit in the treasury, the expenditures exceeding the revenue. This Governor Morrison urgently insisted was an erroneous statement.



## CHAPTER LXXVIII

### MCLEAN GOVERNOR

The Assembly meets.—McLean Governor.—The deficit.—Financial conditions require economy.—Efforts to retrench.—Budget system at work.—The appropriations reduced.—McLean vested with authority.—Evolution.—The Charlotte Centennial.—The coal field disaster.—East Carolina Exposition.—Conditions.—The press.—Literary endeavors.—State historical publications.—The South Atlantic.—The Booklet.—State institutions.—The University.—State College.—College for Women.—The schools for the negroes.—Duke University.—Colleges.—The streams of life and religious denominations.—After sixty years; some expression of Northern feeling.

1925

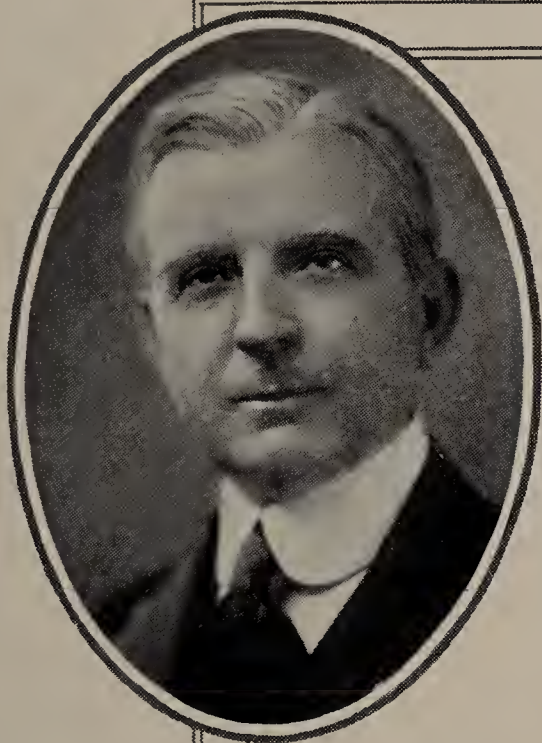
When the Assembly met in January, Edgar W. Pharr of Mecklenburg was elected Speaker, and W. H. S. Burgwyn of Northampton was chosen President pro tem of the Senate until J. Elmer Long of Alamance, now of Durham, elected Lieutenant-Governor, began to preside. At the very beginning of the session the vexed question of the deficit in revenue loomed up in great importance.

Although the Budget Commission had observed carefulness, yet the pressure to maintain the progressive pace which had given such gratification could not be withstood.

At length on March 20, 1925, a statement was made public that on February 28 the accumulated debit balance to that date in the general fund was \$10,257,660, ten million dollars then having been borrowed from banks.

The funds of the Highway Commission and for other special purposes were kept in separate accounts. Disbursements from July 1, 1924 to February 28, 1925 were \$56,671,316; the disbursements for the month of February alone being \$19,289,893. The funded State debt was for highways, \$59,552,600; for school buildings, \$5,000,000; and for the general fund, \$29,315,400; the deficit being added, amounted to \$113,868,000.

Such had been the excess cost of government and improvements over the taxes raised by the State.



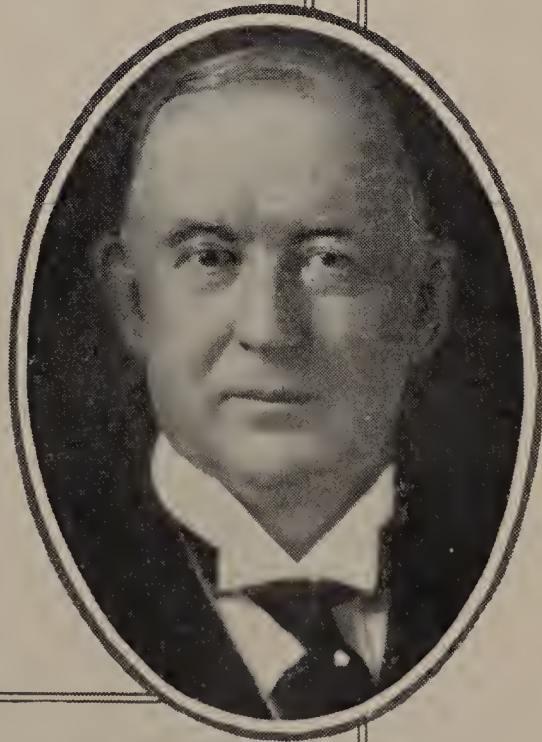
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4

1. Cameron Morrison  
3. Frank Page

2. Angus W. McLean  
4. James Buchanan Duke





The highway debt it was considered was well guarded by the specific taxes for the use of the roads, while the other bonds could be easily cared for. However, at the election in November, a limit had been put in the Constitution beyond which the Legislature could not increase the State debt, and prudence was necessary.

Economy became the watchword. The State could not halt in the work it had undertaken, but it must economize. It sought reduction of expenses by consolidating some departments. The collection of all rate taxes was vested in the Revenue Department; and as the number of employees had greatly increased, and their compensation in some cases was apparently unequal, the Assembly provided for a Salary Commission, with power to fix the salary of every person whose compensation was a charge upon the State.

The Assembly passed some 200 public laws, covering every variety of subjects. Among them are those authorizing the Governor to appoint a Commissioner of Pardons; establishing the Executive Budget System; investing the Governor and Commission with power to fix the compensation of all in the employment of the State.

Twenty million dollars were provided for the highways, and liberal appropriations made for the institutions and departments; the tax on gasoline was increased to four cents a gallon, and the operation of bus lines was vested in the Corporation Commission. A State Sinking Fund Commission was established; the Economic Survey was now succeeded by a Department of Conservation and Development; and the Federal Government was authorized to acquire lands and convert them into national parks in order to protect streams; civil jurisdiction was conferred on municipal and county courts; and for judicial reform, a conference was organized to consist of all the judges, and twenty lawyers representing the bar in every district, who, after consideration, are to recommend changes to the Assembly. To consider freight rates and waterways an Admiralty Commission was appointed; and an Educational Commission was created. Nor were the veterans of the World War for-

Innova-  
tions



gotten: pursuant to the referendum, a bond issue was authorized to secure them homes.

1925

At length it was found that the appropriations were so largely in excess of the probable revenue that the conditions required drastic action. Eventually the appropriations were severely cut: only \$300,000 annually was allowed for the payment of the deficit; the bus tax estimated at a considerable amount was given to the general fund, and the income tax was largely increased.

Then the Council was invested with authority if need be to abate all appropriations pro rata: and, indeed, in May the Council found it necessary to reduce all appropriations five per cent.

On the adoption of the Constitution of 1776, it was said the Governor was given authority only to receive his salary, now on Governor McLean was conferred the power to direct the economics of the State; to abate the appropriations of the Legislature; to reduce salaries; to appoint various commissions and to exercise the largest functions of government. Such confidence was a tribute to worth and excellence that is seldom displayed.

Executive  
Budget  
System

This session was marked by the Assembly putting into distinct operation the Executive Budget system, an innovation which Governor McLean, with his large business experience, had much at heart. It was regarded as a very interesting step forward in the detail of government.

After the adjournment, Governor McLean vigorously set to work to justify the confidence reposed in him and in view of the numerous ramifications of governmental functions came to regard it of prime importance that there should be some more compact organization both of the county and of the State administrations, and he indicated that the subject of county administration should be thoroughly considered, even by a convention clothed with the power to change the Constitution.

### Evolution

An interesting episode developed from the introduction in the House of a resolution by Representative D. Scott

Poole of Raeford, to prohibit the teaching of evolution in the public schools. The text being: "That it is the sense of the General Assembly of North Carolina that it is injurious to the welfare of the people of the State of North Carolina for any official or teacher in the State, paid wholly or in part by taxation, to teach or permit to be taught as a fact either Darwinism or any other evolutionary hypothesis that links man in blood relationship with any lower form of life." This resolution was referred to the Committee on Education. At the hearing the Committee voted 17 to 17, and the chairman, H. G. Connor, gave a deciding vote against the measure and for an unfavorable report. The bill, however, came before the House on a minority report and was made a special order for the evening session of February 17. When the hour arrived citizens from all parts of the State so thronged the halls, lobbies and galleries that the House could not sit as a deliberative body. A motion to adjourn until the next day prevailed. After three hours debate a motion to table was lost by fifty-two to forty-nine; but after two hours of debate the following day the bill was defeated by a vote of sixty-four to forty-six.

The object of the measure was defined in this wise: "Organic evolution is being taught in the schools of this State, and this undermines and destroys the authenticity of the Scriptures. As the Christian people maintain, at their own expense, schools in which they teach theology, they think it unfair to be taxed for the support of schools that bring about the undermining of a work they labor zealously to accomplish."

On the other hand the opponents of the bill pleaded for freedom of thought and freedom of speech. They argued that the teacher should be the judge as to what he will teach. The proponents countered that those who met the expense account should have some rights in the premises; "that the servant is not greater than his master."

This controversy evolved much interest throughout the State, it being understood that the theory of evolution is that there was not a separate creation of man, but that man evolved from more primitive forms of animal existence,



just like other animals. Governor Morrison, some months earlier, had issued a proclamation withdrawing books favoring that theory from the list of textbooks for the public schools. Subsequently, Tennessee prohibited the teaching of evolution in that State, and a case arose in the courts that has elicited great interest throughout the Union, many persons holding that evolution is not consistent with the foundations of the belief which Christians accept, and that the Christian faith is involved. Similar controversies have led to notable results in the history of the race.

### **The Charlotte centennial**

1925

As in 1875 Charlotte was the scene of a great centennial celebration of the Mecklenburg Declaration, so in 1925 at the 150th anniversary, there was a still greater celebration of the event. The festivities lasted a week, immense crowds attending, and among the attractions being pageants and decorations of particular interest. Congress appointed a commission to attend, and appropriated ten thousand dollars to share in the expense. While the Charlotte Association was commemorating the May 20 Declaration, Congress did not commit itself to that date nor to that declaration, merely proposing to "commemorate the patriotic action in May, 1775." But the action of Congress is not only a recognition of North Carolina's patriotic spirit in 1775, but is a gratifying illustration of the patriotic sentiments now prevailing throughout the Union concerning Southern as well as Northern observances of historic incidents.

### **The coal field disaster**

The possibilities of the coal fields between the Haw and the Deep rivers have attracted attention and several companies, in 1924, began extensive developments. At Coal Glen some half dozen miles from the old Egypt Mine and about the same distance from Sanford, the Carolina Coal Company had a mine in successful operation, and on the morning of May 27, 1925, sixty men were at work when an explosion occurred and the entrance was destroyed, the miners en-

tomed, and noxious gas exuded through crevices. At once some five thousand persons gathered there. The sheriff and his posse took possession. The local community went immediately to work, the Governor sent aid as did Fort Bragg, and the Red Cross came. Every effort for rescue was made without avail. The State and Federal authorities took charge. Day by day some bodies were exhumed. Many were so burned that they were only human remains. Hundreds of persons were continuously at the mine. Sad and solemn funeral rites marked the passing days as the mourning friends recovered some body from the ruin. The people of the State were deeply moved at the horrible calamity. For the immediate relief of the women and children who were bereaved, at the suggestion of Governor McLean, a fund of \$35,000 was subscribed.

It was supposed that the atmosphere in the mine became explosive from an admixture of gas with the air, or of dust and the air, and in some way a spark caused the explosion; but the problem remains unsolved.

### Conditions

At the close of this period we find that the State, since she emerged from the devastation promised in the second 1925 inaugural of Mr. Lincoln, has at length entered on a career that accords with the characteristics of her people. Her several interests are prospering, and the social condition of her inhabitants is rapidly improving. Perhaps the best evidence of actual advancement is to be found in the dissemination of information by the newspapers, in the progress of the educational institutions, in the law-abiding conduct of the people and the prevalence of religious sentiment.

Adding to this view of the conditions the improvement in home life, the increased industries, and the beneficial effects of the good roads, we realize the great step forward the State has made and can look for still more gratifying changes.



### The press

The press of the State has kept pace with the general improvement, both in number, an enlarged circulation and influence. The circulation of the leading daily papers at Charlotte and Raleigh is stated at more than 31,000, at Greensboro 25,000, at the other towns not so much, but all with increasing number. The North Carolina Press Association has its annual meetings, and the fraternity being in elbow touch, the tone of the publications is considerate and elevated, while indicating the intelligence of the editors. At the fifty-second meeting in 1924, the membership included 143 persons, representing 118 newspapers. To the influence of the press may be ascribed much of the improvement of the State, and particularly, the *Progressive Farmer* under the able and versatile Dr. Clarence Poe has advanced agriculture and benefited social conditions in farm life.

### Literature

During these later years North Carolina has not been devoid of literary endeavor. John Charles McNeill doubtless stands foremost in poetic fancy and expression, his "October" and "Sun Down" being favorites.

Jerome Stockard was the most prolific and, perhaps, most critical. "Sir Walter Raleigh" and "Appomattox" are generally thought his best. Edwin W. Fuller's "Angel in the Cloud" is a masterly performance. John Henry Boner ranked deservedly high, "Poe's Cottage at Fordham" and the "Light'ood Fire" being examples of his genius; while of Theodore Hill's fine poetry "The Star Above the Manger" is esteemed the best. William Thornton Whitsett ranks among the best. His volume, *Saber and Song*, is highly appreciated, "The Ode to Expression," embodying the ideals of artists, being particularly admired. Mrs. F. C. Tiernan (writing under the name of Christian Reid), who earlier was Miss Fisher, besides her novels also wrote some exquisite verses.

Mrs. Olive Telford Dargan, since her residence in North Carolina, has likewise published some excellent poetry.

And there are others who occasionally wrote verse, among them Miss Minnie Curtis and Cecil Pool.

Among those who have otherwise added to the State's literature have been Walter Clark, R. D. W. Connor, Daniel H. Hill, J. De R. Hamilton, Dr. W. K. Boyd, Dr. Archibald Henderson, Stephen B. Weeks, Marshall DeLancey Haywood, E. C. Brooks, Henry G. Connor and James Sprunt, and others who have prepared excellent county histories, besides such contributors to literature as Col. R. B. Creecy, Miss Bettie Freshwater Pool, and Mrs. L. A. McCorkle.

Among the publications of this period is to be mentioned one of particular value. C. L. VanNoppen, in 1905, began the publication of the Biographical History of the State, intended to embrace as far as possible a sketch of every man who had ever performed any service that was worthy of being remembered. Eight volumes have been published, containing about 600 sketches, many of them of particular importance. Among the authors are some fifty who are entitled to be regarded as more or less eminent in literature.

The State Literary and Historical Association organized in 1900 has published the papers read at its meetings, many being of great merit and interest. Its presidents, annually elected, have been on the level of those so serving in any other state, and it is to be noted that in 1923 the president chosen was Miss Adelaide Fries.

The Historical Commission, under the admirable management of its former secretary, R. D. W. Connor, issued fourteen volumes of unusual historical interest and secured a large collection of valuable material that is important as illustrating the high culture of the State. This work was efficiently continued by the late Dr. D. H. Hill, who was succeeded by the very competent R. B. House as the secretary. Too much praise cannot be given to the devotion of Col. F. A. Olds in the work of securing the collections, for he has rendered a most valuable service throughout many years.



In 1902 the *South Atlantic Quarterly* was established at Durham as a cosmopolitan journal, and a medium for opinion concerning Southern problems, historical, economic and literary. It has actual recognition as one of the best balanced journals of the country; among its contributors being some of the most esteemed writers of the North as well as the South. It was the outcome of the progressive spirit of President Crowell of Trinity College, who inspired among others John Spencer Bassett to literary pursuits, the magazine being one of the beneficial results. It has always stood in the front rank for criticism in the several fields of literature. Originally a child of Trinity, after some years it was taken over by the South Atlantic Publishing Company. Contemporaneously, there have been published fourteen series of historical papers of the Trinity College Historical Society; three volumes of John Lawson Monographs, and since 1922 the Trinity College Press has issued three other volumes, and now the Duke University Press is issuing six volumes. Such has been the outcome of Bassett's endeavor to promote literature at Trinity.

The *N. C. Booklet*, begun in 1908, at Raleigh, by the Daughters of the Revolution for patriotic purposes, having had some 300 contributions to its pages by North Carolinians, has fostered an inclination to write for the public with very beneficial results.

Among the publications emanating from the colleges and the University, the Sprunt monographs have been of special value.

### **The University**

The Legislature, in 1921, agreed to a bond issue of \$20,000,000 for permanent improvement of the State institutions and by 1924 \$17,000,000 of that had been used, greatly enlarging the University, the State College of Agriculture and Engineering, the North Carolina College for Women and other schools. As construction progressed at the University, educational facilities increased with added accommodations and the institution not only received more students but made rapid strides forward in its curricula. Indeed, during the

five years of President H. W. Chase's administration, the number of students has nearly doubled, while the total enrollment ran up to over 6,000 of whom 2,250 were resident students, 2,100 students in the Summer School, and 1,200 in extension work and 900 in "correspondence courses." 1925

The increasing number of students is attributed to the flood of graduates from the high schools and in itself is evidence of the progressive prosperity of the people of the State. The fees paid by the students in 1924 amounted to \$165,030, while the State appropriation for maintenance was \$650,000. The value of the property of the University plant is now considered \$5,000,000 and its income at present \$950,000 outside of the appropriations for permanent improvements. The faculty giving instruction in all the branches common to universities now number 165.

The activities of the institution, extending to the collection of information concerning conditions in the State relating to manufactures, commerce, education, historical incidents and every other interest, wide publication is made of these data in various University periodicals.

The University has had a new birth and has developed until it has attained a high standard of excellence. In this respect it is typical of all the institutions of higher learning in the State.

### **The State College**

The advent of Dr. E. C. Brooks as President of the State College of Agriculture and Engineering, has been accompanied by a remarkable extension of service. The teaching faculty numbers 124, research faculty 36, agricultural faculty 26, and administrative officers 16, totaling 202. Besides, there are 154 farm and home demonstration agents and 21 student fellows and research assistants. The resident students reached 1,255, others pursuing extra college work 437, and Summer School 628, making 2,320; and there are nonresident students to the number of 4,239. And the plant has been largely increased to meet the requirements.



Then a large number of farmers and farm women receive instruction through the farm and home agents. The development of the several schools of engineering and of ceramic and chemical engineering continues to expand. There are 36 major vocations open to young men, for which the State offers from four to seven years training in technical, scientific and professional science. Its plant at Raleigh has annually been enlarged to meet requirements. Indeed, the institution touches the industrial and home life of the State in manifold ways and exerts a most beneficial influence.

#### **The College for Women**

At the North Carolina College for Women, opening in 1892, to the end of 1923, there had been enrolled more than 12,000 young women, two-thirds of whom had become teachers, and have taught lessons and right living to at least 500,000 North Carolinians, by precept and example diffusing culture and elevating society in every community throughout the State. The beneficence of this admirable institution has been beyond calculation. The value of its buildings is now more than five million dollars, and the appropriation is \$200,000 a year.

#### **Other institutions**

And the same can be said of the East Carolina Teachers College at Greenville, established by act of 1907 at the particular instance of Governor T. J. Jarvis, and opened in 1909 with a capacity for 194 students. During its first three years it had, including the summer terms, 1,612 students enrolled; and all together it has had enrolled 8,702 students. The value of its seventeen buildings and grounds is now \$2,250,000 and the appropriation is \$135,000.

The Appalachian Training School and the Cullowhee Normal and Industrial School and the Stonewall Jackson Manual Training and Industrial School have shown very substantial growth likewise.

At the session of 1923, the Legislature appropriated \$924,000 for buildings at the four negro schools, and also

established a reformatory for negro boys. And at the session of 1925 the negroes asked for appropriations aggregating two million. In addition, at Pembroke in Robeson County, is the Cherokee Indian Normal School which opened in 1887 with 223 students above the seventh grade. 1925

Perhaps as a result of their intercourse with the kindly whites the colored people of the State have long been among the most advanced of their race.

In 1877 a colored normal school was started at Fayetteville, and nearly all of the negro teachers in that part of the State have been educated and trained there. The number of pupils above the seventh grade is 455. The buildings are valued at \$300,000, and the appropriation for maintenance is \$34,000. Negro schools

The Negro Agricultural and Technical College at Greensboro, founded in 1891, has buildings valued at \$800,000, with an appropriation for maintenance of \$60,000: there being 526 students at the regular session and 571 at the summer session.

In 1892 a similar school was started at Elizabeth City, the buildings costing \$403,000, and the pupils numbering 378. Three years later the Slater School opened at Winston-Salem, now with 505 students; and the Durham Normal School has 200 students.

### Charitable institutions

The State has several charitable institutions other than the great hospital for the insane, where unfortunates are cared for; both races, females as well as males, being provided for, as whatever appeals to human sympathies has found a response among the people of the State.

### Duke University

The Christmas season of 1924 was made memorable by the vision of Duke University that suddenly came to the eyes of the patriotic people of the State.

In 1838 the Methodists and Quakers of Randolph established a school under Rev. Brantley York who called it



Union Institute. Four years later Rev. Braxton Craven took charge, and in 1851 it was chartered as Normal College, and in 1859 with its name changed to Trinity College it passed into the service of the Methodist Episcopal Church, South, in North Carolina.

In 1892, the College was moved to Durham, where it at once entered on a new life. While much was accomplished under President Crowell, under Dr. Kilgo with the assistance of Washington Duke and his sons, Julian S. Carr and others, it attained a very flourishing condition. Liberal donations were made for it. Sixteen commodious structures and an endowment of more than three million dollars attest their liberality in the cause of education, and Trinity's fame for efficiency and progress was widespread. Then under the wise administration of President William Preston Few, the College grew in every line of educational endeavor.

In the closing days of 1924 James B. Duke provided a building fund of six million dollars for Trinity, under the name of Duke University, as an item in the creation of the Duke Foundation, carrying a trust fund of forty million dollars; and he has since added two million dollars to the building fund. The trustees accepted the gift and now the University plant is to be nearly a mile west of and adjoining the present campus which will be developed into a great coördinate college for women.

This munificence is a gift to North Carolina of an institution that will redound to her credit in the years to come and it marks an era in the educational history of the State.

### **The denominational colleges**

Wake Forest College has had its part in the general awakening of the State on the subject of higher education. In December, 1921, the institution was admitted to membership in the Association of Colleges, and under the excellent management of Dr. W. L. Poteat, the President, its development and growth have been continuous. It has met the new demands incident to the astonishing expansion of the high schools of the State, and for the year 1924-25 its enrollment of regular students ran up to 703.

In 1921 there was organized a summer session for the training of teachers and regular college students, the school from the beginning being rated as Approved Grade A. At the last session there were 550 registered in the Summer School, and in all there were 106 degrees conferred, while in 1925 89 graduates received degrees.

Scholarship and character are the great ideals of the college and the Student Government Council has given excellent service and the literary societies exercise a fine influence. While the college plant needs speedy enlargement, the general scheme looks forward to the expenditure of two and a half million dollars. The endowment now is \$2,950,000.

The Baptists have three colleges classed as A-1: Wake Forest, Meredith and Chowan, and junior colleges at Wingate and Mars Hill, and twelve high schools.

Meredith College, established some thirty years ago in the city of Raleigh, has been moved into the suburbs, with an extensive plant to cost a million dollars, and capable of indefinite expansion; its endowment is \$410,000 and it has 500 students. It bids fair to become one of the great institutions of the South.

Meredith

Davidson College that has for generations played its high part in the education of the State has continued its progressive course. With a plant valued at \$875,000 and an endowment of \$668,000, it has 627 students, while with recent additions to endowment estimated at more than a million and a half dollars, its facilities will be largely increased. Its future is very bright.

Davidson

In addition the Presbyterians have Flora McDonald College with 400 students, Queen's College with 300, Peace Institute with 200, Mitchell College 150, and five high schools and 150 students at the Union Theological Seminary at Richmond.



**Salem Academy and College**

Salem

In 1772 the Moravians opened a seminary known as the Salem Academy as a school for the higher education of young women. From the first it enjoyed a fine reputation, and attracted patrons from other communities. It was supplied with excellent teachers and professors of culture from Europe and America, and was not merely a preparatory school. Indeed, "there was no similar school anywhere at the South and only two in the North."

Since the opening day, in spite of the conditions during the long years of the Revolutionary War, and the deplorable situation in 1861-65, the school has never been closed for a single school day in the 152 years of its existence. In 1866 a charter was obtained for Salem College and Academy and the College was separated from the Academy. The two institutions have ever grown, each in its field being widely recognized for what is best in scholarship and for the pervading spirit of high idealism and of Christian interpretation of daily life which has ever characterized "The Salem Community." The College is A Class and grants degrees for the usual four-year course. Upward of 700 students are annually enrolled, those at the College in 1924 numbering 233. In recent years large additions have been made to the physical plant, in keeping with the general expansion of the colleges of the State.

Greensboro  
College

Next in usefulness to the Salem College has been the Greensboro College for Women. In 1837 the North Carolina Conference, M. E. Church, began its separate existence, and the next year it had the Greensborough Female College incorporated. A site of forty-six acres was bought and the corner stone was laid in 1843, the buildings being completed in 1846. Rev. Solomon Lea was elected president and the college opened. The enrollment in 1925 was about 350, of whom 280 were boarders.

St. Mary's

St. Mary's School at Raleigh was the private undertaking of Dr. Smedes and of his son, but in 1897 it was bought for the Episcopal Diocese, the purchase including 25 acres of land. The Diocese of South Carolina eventually joined

in the purchase. The material growth of the institution now justifies the value of \$248,000, not considering any increase in the value of land. It has a high standard of scholarship. 1925

St. Augustine School is recognized as a church school of the Episcopal Church at large for negroes. It has 572 pupils and a corps of 26 teachers, with property valued at \$214,000, and endowment fund of \$100,000. It trains colored women in every branch of church work, as nurses, etc., and it prepares young men to enter the Divinity School.

### **The streams of life**

Natural conditions seem to perpetuate the several social streams of life that originally differentiated the groups of early settlers—the Anglo-Saxon; the Celtic, including the Scotch-Irish; the German and the Moravians. Not merely were there differences in language and manners and customs, but there were various shades of religious faith. Then in time the Baptists and Methodists grew beyond all others: but the gentle Quakers and the devoted Catholics continued to increase, but not so much as the Presbyterians and the Protestant Episcopalians, as also, the Christians and the Disciples.

The German-speaking element of the colonists, besides the Moravians who settled around Bethabara, numbered some twenty thousand families who located in the counties from Alamance to Mecklenburg and southwest to Morganton. They were of the Lutheran and German reformed religion and were served by pastors and teachers sent over by the institutions of learning in Germany, and had their separate congregations. The  
Lutherans

The Lutheran synod originally embraced congregations in the northwest and western states until 1820; but a century later, in 1920, their church in this State became "The United Evangelical synod in North Carolina."

In educational activities the Lutherans have never been deficient. In 1853 the North Carolina College was opened



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at Mount Pleasant and six years later, Mount Amoena Seminary. These institutions were Grade A and had many students, but now are preparatory schools having an enrollment of 250; then at its thirty-fourth commencement Rhyne College in Lenoir, which is Grade A, had an enrollment of 350 students, male and female, in the regular session. In the synod are 115 ministers, 23,000 communicants, or counting children, 35,000. At every synod new congregations are admitted.

In 1924 the North Carolina Synod contributed \$50,000 for missions to foreign countries. In works of charity the Lutherans set an example, and the standard of education for their ministry is very high. This interesting stream in the life of North Carolina has ever been of importance, and it remains measurably distinct, its admirable characteristics finding illustration in the communities of German descent.

### **The Catholics**

From early days there were a few Catholics in North Carolina, but the first bishop the Catholic Church had in the State was James Gibbons, Vicar Apostolic, in 1868. Eventually he became Cardinal. He was succeeded by other Vicar Apostolics until after the death, in July, 1924, of Rt. Rev. Leo Haid, made Vicar Apostolic in 1888. Most Rev. M. J. Curley, Archbishop of Baltimore, was appointed Apostolic Administrator of the Diocese of Raleigh, December 22, 1924. The canonical diocese includes all the State except six counties adjacent to Belmont Abbey, which are under the jurisdiction of the Abbot of Belmont. In March, 1925, Rt. Rev. William J. Hafey was appointed Bishop of Raleigh and was installed July 1. The Diocese of Raleigh has about 9,000 Catholics, 25 priests and six benedictines. There are four hospitals under the care of sisters, of whom there are five orders. There are large colleges for young ladies at Asheville and Belmont, schools at Raleigh, Durham, Belmont, Wilmington, Charlotte, Salisbury and an orphanage for boys and one for girls. The church has steadily made progress.

### The Baptists

In 1830 fewer than 30 delegates representing separate Baptist congregations assembled at Greenville and organized a State Convention for the promotion of missions, education, Sunday schools and other evangelical purposes. The Missionary Baptists have steadily increased ever since, and now are the largest body of Christians in the State; the white members numbering 347,760, and the colored members 300,000. During 1924 "the 2,291 white Baptist churches in the State received into fellowship by baptism 21,565 new members; and the Sunday school enrollment increased 12,269. The Baptists have three colleges classed as A-1. Wake Forest, Meredith and Chowan, and junior colleges at Wingate and Mars Hill, and twelve high schools." 1925

The activities of the Baptists have been so admirable that they have in five years raised almost six million dollars for general church purposes, in addition to local church expenses. The past year the Baptists raised \$944,556.56 besides \$2,740,860.26 for local churches. They allotted to the Thomasville Orphanage, \$224,566.42; education, \$212,112.35 besides missionaries, etc.

### The Methodists

The Methodists have likewise been particularly active, there being two conferences in the State—the North Carolina and the Western North Carolina conferences.

In the North Carolina Conference are 227 pastoral charges, with 112,929 members, 725 Sunday schools and 84,575 pupils. In the Western Conference there are 303 preachers with 131,067 members, 892 church buildings, 855 Sunday schools with 127,535 pupils. In the State are 1,650 church buildings valued at fifteen million dollars. In the entire State the contributions were \$3,673,858. At Raleigh is the orphanage of the value of \$750,000, and at Winston-Salem the Children's Home, valued at \$850,000.

Duke University and the Greensboro College for Women are owned jointly by the two conferences; besides these are



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eight other schools, the total enrollment being about 3,700 pupils. J. B. Duke, dying in October, 1925, provided in his will for increasing the endowment of Duke University to seventy million dollars.

### **The Presbyterians**

The Presbyterians have 520 churches, 288 ministers with nearly 5,000 elders and deacons, and 70,873 members with 63,528 Sunday school enrollments. Their contributions amount to more than two million dollars. They have more educational institutions than any other denomination. An orphanage was opened in Charlotte in 1883, but was removed to Barium Springs in 1891, and it has so grown that its capacity is now 360 children, the usual expenditure for support is a hundred thousand dollars; and in 1920 the Synod authorized \$100,000 to be spent each year for five years on new buildings. At one time, a thousand people ate in the dining room. Mr. Jos. B. Johnston is the general manager.

### **Episcopalians**

In the State there are the three dioceses of the Protestant Episcopal Church—East Carolina, North Carolina and Western North Carolina. In the first are 88 churches, 17,870 sittings, 6,346 communicants and 4,330 church pupils in 73 schools. In the Diocese of North Carolina there are 10,005 communicants, 6,988 pupils. In that of Western North Carolina, 3,891 communicants and 3,206 pupils.

There has been particular activity in the last named diocese: at Valle Crucis 110 pupils; at Arden, 168; at Legerwood, 100, and at Penland, 40. In the Diocese of North Carolina there are three convocations, each under its arch-deacon. Among its institutions are the Thompson Orphanage and Training School and the hospital at Charlotte.

Such brief references to the several denominations as are here given fail to convey an accurate impression of the deep religious spirit that generally pervades the entire body of Christian people of the State: but their relative liberality in donations illustrates the fervor of their devotion.

**After sixty years**

Bishop Tucker, in the course of a sermon published in March, 1925, mentioned that in the campaign of September, 1861, in the western part of Virginia, there was killed Col. John Augustine Washington, of the George Washington family, then on Lee's staff, and the Bishop read an unpublished letter, written at once by Lee to the orphaned children. This led to the following letter published in the *Churchman*, March 24, 1925:

*Mr. Editor:*

Upon reading the sermon by Bishop Tucker, printed in the current number of the *Southern Churchman*, my attention was arrested by the paragraph relating to the death of Col. John Augustine Washington. Perhaps a few additional facts relating to that tragedy may be of interest to some of your readers.

My father, Col. George S. Rose, serving at that time in the Federal Army in West Virginia, was in command of the outposts where Washington was killed. Colonel Rose took charge of the body, which, with the personal belongings, was returned to General Lee. Colonel Rose, however, retained a letter found in the breast pocket of Washington's coat. The letter was pierced by a bullet and stained with blood. That letter is now before me. It has been made yellow by time; the hole made by the bullet is there, and there is a dark stain around the ragged edges.

The letter that General Lee wrote to Miss Washington is beautiful in tone and composition, but it calls up pathetic and somber memories. The pathos and the horror of the fratricidal strife! The North, though nominally victorious, is still a great sufferer in this sense—the best of its American blood was poured out upon a hundred battlefields. Their places have been taken largely by people of alien races and an alien creed. Our congested cities in the North are the breeding places of anarchy and lawlessness, while powerful politicians consort in great public demonstrations with the purple-clad emissaries of a foreign power. Obviously an object lesson.

The South has come back from the struggle strong, chastened, resolute. The South is still American, retaining the old American ideals and traditions. The South still has its problems,



especially one very grave problem; but I am convinced that to the new South we must look in large measure to defend and uphold the faith and the ideals that "have made and preserved us a nation."

JOHN T. ROSE.

Cazenovia, N. Y.

On the occasion of the anniversary of the birthday of General Lee in 1925, the House of Representatives at Washington City suspended business and stood in silence.

In Congress

Maj. Charles M. Stedman, the only Confederate soldier in Congress, came down the aisle, amid the applause of the members; and he made a beautiful address on the character and greatness of Lee. When he concluded, the House rang with applause.

Later Congress passed a joint resolution as follows:

#### FOR THE RESTORATION OF ARLINGTON

JOINT RESOLUTION IN CONGRESS AUTHORIZING THE RESTORATION OF THE LEE MANSION IN THE ARLINGTON NATIONAL CEMETERY, VIRGINIA, PASSED WITHOUT A DISSENTING VOTE, FEBRUARY, 1925.

Whereas, the era of internecine strife among the States having yielded to one of better understanding, of common loyalty, and of a more perfect Union; and whereas, new honor is accorded Robert E. Lee as one of the great military leaders of history, whose exalted character, noble life, and eminent services are recognized and esteemed, and whose manly attributes of precept and example were compelling factors in cementing the American people in bonds of patriotic devotion and action against common external enemies in the war with Spain and in the World War, thus consummating the hope of a reunited country that would again swell the chorus of the Union: therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled*, That the Secretary of War be, and he is hereby authorized and directed, as nearly as may be practicable, to restore the Lee Mansion in the Arlington National Cemetery, Virginia, to the condition in which it existed immediately prior to the Civil War, and to procure, if possible, articles of furniture and equipment which were then in the mansion and in use by the occupants thereof. He is also authorized, in his discretion, to procure replicas of the furniture and other articles in use in the mansion during the

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period mentioned, with a view of restoring, as far as may be practicable, the appearance of the interior of the mansion to the condition of its occupancy by the Lee family.

And during the same session of Congress the administration caused to be minted at Philadelphia 5,000,000 half dollars stamped with the heads of Lee and Jackson for the benefit of the Stone Mountain Confederate Memorial.

Time brings its changes, and the spirit with which the people of the South addressed themselves to the duties of citizenship has apparently met with a response at the North.

As agreeable as is this era of good will heightened by the patriotic sentiments that pervade the entire Union, the particular scene presented by the progress, prosperity and happiness of the people of the State is yet more inspiring to them.

Great credit for this happy condition is due to the enterprising captains of industry and to the general excellence of both races of the people, but, with gratitude, particular applause is awarded without stint to Governor Charles B. Aycock for the advancement in education, while the phenomenal benefits that have accrued from good highways are largely attributed to Miss Harriet Morehead Berry, because of her activities in her chosen field of service that tended to bring about the great and fortunate consummation.

In every aspect North Carolina now appears to be admirable, and the skies are bright with promises of long continued happiness for her people.





## NOTES ON THE FIRST VOLUME

On page 137, mention is made of the appointment of Capt. Henry Wilkinson as Governor of Albemarle. It has now been ascertained that Captain Wilkinson never sailed from England.

On page 287, reference is made to the probable origin of the "Croatan Indians" of Robeson County, since designated by the Legislature of the State as "Cherokees." A reasonable suggestion seems to be that when Stede Bonnet's pirates were routed in 1719, some escaped and, penetrating the swamps of Robeson, there associated themselves with the Indian inhabitants.

On page 426 is a reference to the action of the people of the Cape Fear in regard to imported tea, 1774. In 1922, Prof. Charles McLean Andrews published *The Journal of a Lady of Quality*, being a diary of Miss Schaw, who arrived at Brunswick in February, 1775, and remained on the Cape Fear some six months. He mentions that she had no tea at Brunswick, but a month later was served "with a dish of tea" at the house of a royalist some forty miles distant. On page 155, speaking of the ladies of Wilmington, she wrote: "The ladies have burnt their tea in solemn procession; but they delayed, however, till the sacrifice was not very considerable, as I do not think any one offered above a quarter of a pound." Evidently, she was present on the occasion. Her reference to the fact is the only one known.

On page 634, in the account of the battle of Kings Mountain, after the proof was read, some printer removed the 25th line and replaced it with the line that properly appears as the 3d line of page 636. The sentence with the line improperly removed was, Ferguson used the "bayonet and made a heroic onslaught."





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\* Thomas Little in the text.



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## ADDENDA

(Note to line 6, p. 577)

Doubtless the purpose to hold the cotton states in the Union arose from financial considerations.

First, the tariff duty fixed by the Confederate Congress was only ten per cent, and that would divert importations from northern to the southern ports, diminishing the customs receipts. Then, while the merchandise exports for the year ending June 30, 1859, had been \$278,392,080, the cotton exports alone were more than one-half, being \$161,434,923. The other exports of the south were \$31,993,920, while those mixed north and south—were \$39,657,698, and those entirely northern products were only \$45,305,541. The north was not willing to stand the loss to its commerce of the southern exports. These financial considerations were superior to any rights the cotton states might have. Then the north western states looked on aghast at being deprived of the Mississippi River.

(Note to 5th line from bottom p. 578)

Nickolay and Hay, close to Mr. Lincoln as brothers, wrote as of April 1st, p. 442, vol. 3: "Congress had neglected to provide measures and means for coercion. The conservative sentiment of the country protested loudly against everything but concessions. His own cabinet was divided in council. Public opinion was 'awry.' Treason was applauded and patriotism rebuked." Then the President determined on war and with the purpose of making it appear that the south was the aggressor, he took measures. He sought to bring about the Confederate attack on Fort Sumter. "The President was looking through and beyond the now inevitable attack and the response of the awakened and united north. . . . He was looking through Sumter to the loyal states—beyond the insulted flag to the avenging nation." (Nickolay and Hay, IV, p. 28, p. 45.) So Fred Seward, the Assistant Secretary of State, records that the firing on Sumter "was not unexpected." (p. 587).

(Note to line 16, p. 1330)

Since this volume was prepared it has been shown that at the end of the fiscal year, June 30, 1925, the debit balance was only \$3,125,920.22—and that would be much reduced when all the taxes applicable to these expenditures had been collected.

(Note to line 13, p. 1010)

The words "and being 22,942 more than any other state," are erroneous.



